



REZONING APPLICATION ANALYSIS

ZONING CASE #: Z2022-05

LEGISTAR: 20210XXX

LANDOWNERS: James A. Adams & Gloria J. Adams
375 Hicks Farm Road
Acworth, GA 30102

APPLICANT: Traton Homes, LLC
720 Kennesaw Avenue
Marietta, GA 30060

AGENT: J. Kevin Moore, Esq.
Moore, Ingram, Johnson, & Steele, LLP
326 Roswell Street
Marietta, GA 30060

PROPERTY ADDRESS: 1326 Old Bells Ferry Road

PARCEL DESCRIPTION: 16th District, Land Lot 09310, Parcel 0010

AREA: +/-10.19 acres **COUNCIL WARD:** 4B

EXISTING ZONING: R-20 (Single Family Residential – 20,000 square foot lot size) (Cobb County)

REQUEST: MXD (Mixed Use Development)

FUTURE LAND USE: MDR (Medium Density Residential)

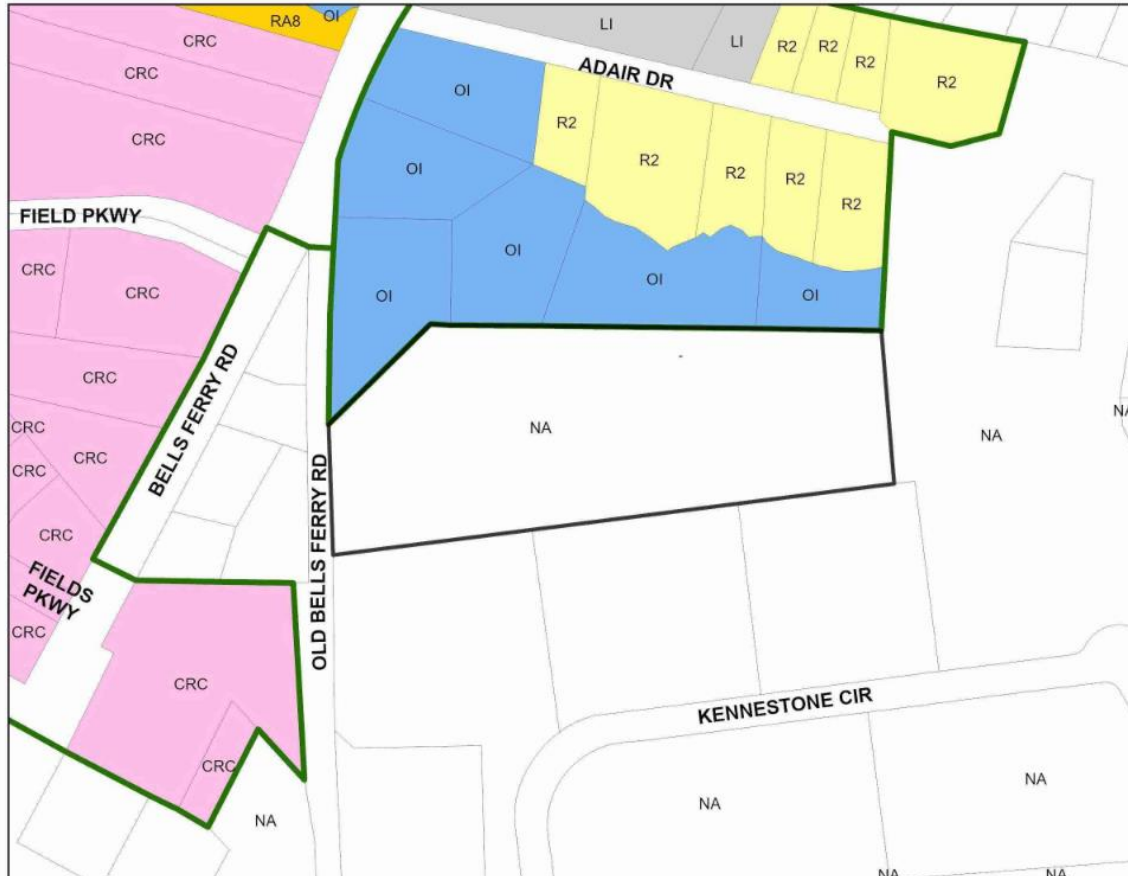
REASON FOR REQUEST: The applicant is requesting the annexation and rezoning of one parcel for the development of a townhome community containing fifty-six (56) units.

PLANNING COMMISSION HEARING: Tuesday, January 4, 2022 – 6:00pm

CITY COUNCIL HEARING: Wednesday, January 12, 2022 – 7:00pm

MAP

City of Marietta Area Zoning Map



Zoning		District	Land Lot	Parcel	Current Zoning	Proposed Zoning
SINGLE FAMILY RESIDENTIAL R-1 One Unit/Acre R-2 Two Unit/Acre R-3 Three Unit/Acre R-4 Four Unit/Acre ATTACHED FAMILY RESIDENTIAL RA-4 Four Unit/Acre RA-6 Six Unit/Acre RA-8 Eight Unit/Acre PRD(SF) Planned Residential Dev. MHP Mobile Home Park MULTI FAMILY RESIDENTIAL RM-8 Eight Unit/Acre RM-10 Ten Unit/Acre RM-12 Twelve Unit/Acre RHR Residential High Rise PRD(MF) Planned Residential Dev.		16	931	0010	R-20 (Cobb)	MXD (City)
COMMERCIAL NRC Neighborhood Retail CRC Community Retail RRC Regional Retail CBD Central Business District PCD Planned Commercial Dev. MXD Mixed-Use Dev. OIT Office Institutional Trans. LRO Low-Rise Office OI Office Institutional OS Office Services OHR Office High-Rise INDUSTRIAL LI Light Industrial HI Heavy Industrial PID Planned Industrial Dev.						

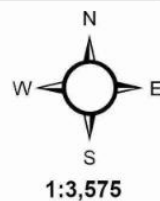
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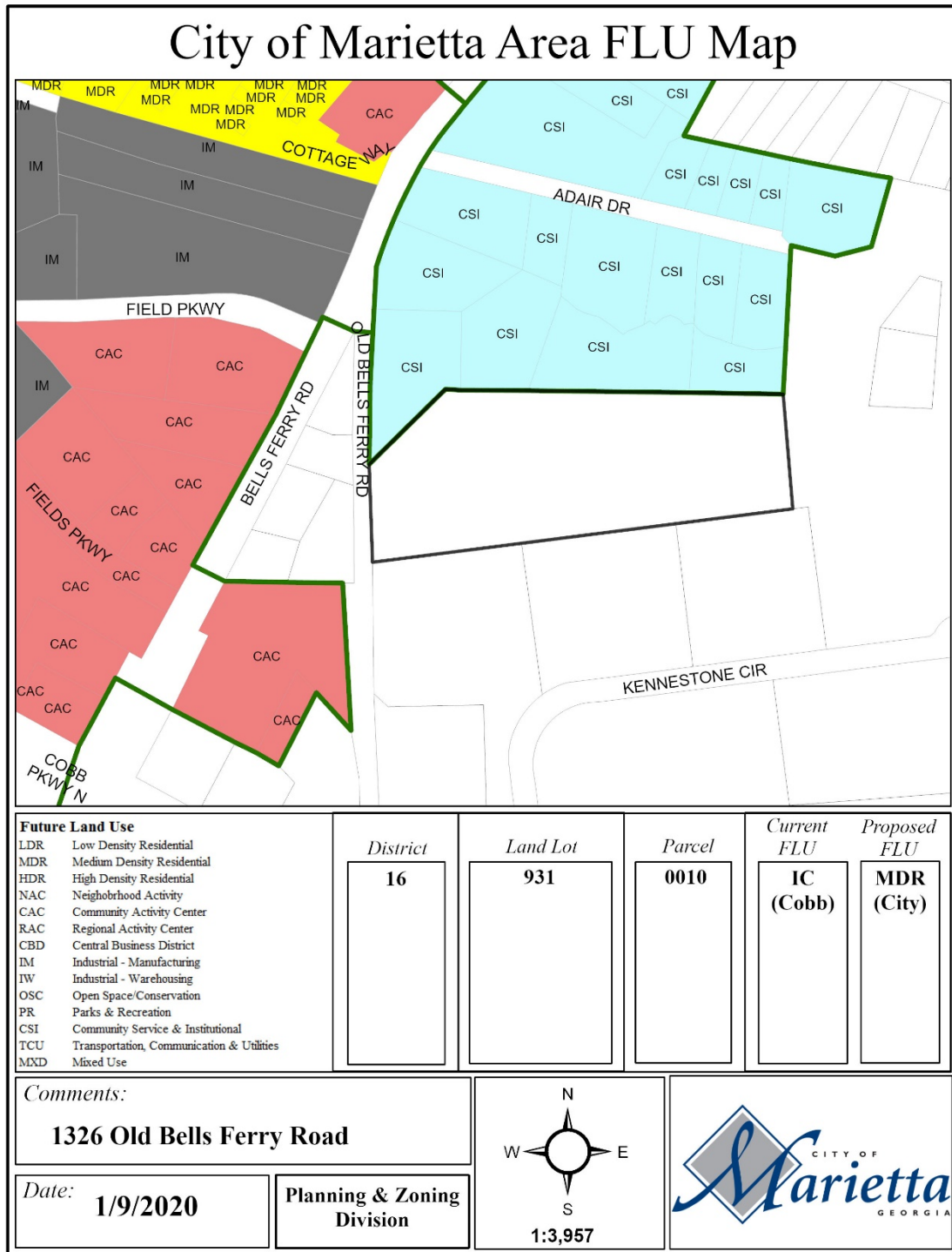
1326 Old Bells Ferry Road

Date:

12/7/2021

Planning & Zoning
Division





PICTURES OF PROPERTY



Subject Property at 1326 Old Bells Ferry Road



Subject Property at 1326 Old Bells Ferry Road



Subject Property at 1326 Old Bells Ferry Road

STAFF ANALYSIS

Location Compatibility

The applicant, Traton Homes, LLC, represented by J. Kevin Moore, is requesting the annexation and rezoning of 10.19 acres on the easterly side of Old Bells Ferry Road, north of Cobb Parkway, from Cobb County's zoning classification R-20 (Single Family Residential, 20,000 square foot lot size) to City of Marietta's zoning classification MXD (Mixed Use Development) in order to build 56 townhome units. The MXD district is intended to allow flexible site planning and building arrangements for commercial, office and residential uses under a unified plan which fosters natural resource conservation and reduces traffic congestion. This may permit buildings and uses to be clustered or arranged in an unconventional manner to maximize open space, create a pedestrian scale and other public benefits.

Adjacent to the site, several properties are within Cobb County's jurisdiction: to the east and south, properties are zoned LI (Light Industrial); to the west, properties are zoned O&I (Office & Institutional) and R-20 (Single Family Residential). City of Marietta properties are adjacent to the subject property to the north and southwest; these properties are zoned OI (Office Industrial) and CRC (Community Retail Commercial), respectively.

Environmental considerations on the property may pose development challenges (or opportunities under MXD zoning) due to a stream which roughly bisects the property, traversing the site from the northeast corner to the southwest. Because of the stream, floodplain and associated stream buffer requirements are present and should be accommodated.

The subject property is located off of a low-traffic local road and there are developments with similar intensities are located in proximity to the site. Currently, the subject property is largely wooded, occupied only by a barn and two (2) sheds.

Use Potential and Impacts

The proposed development would consist of 56 townhome units, arranged along a new, private street to be accessed off of Old Bells Ferry Road. Each townhome unit proposed on site would have a front driveway and a 2-car garage. Construction under MXD zoning only has minimum standards for tract size (five [5] acres). Additionally, there is a stated purpose of protecting sensitive environmental land, historic, or aesthetic resources as well as the provision of site amenities such as parks, open space, walking trails, etc. Fee simple townhomes built in MXD zones are subject to additional requirements, such as having a mandatory homeowners association, active and passive recreation components, guest parking spaces, driveways at least 20 feet in depth, and compliance with the "Four-Sided Architecture" requirement.

Several single-family townhome developments with similar characteristics have recently been or are currently being built in proximity to the site, including:

Townhome Development	Units	Acreage	Density
The Dugout (also Traton)	45	5.37	8.38
Bells Landing	40	5.07	7.89
Parkside East (also Traton)	59	5.24	11.26
Cambridge Walk	30	4.27	7.03

If the rezoning is successful, the City is proposing a future land use (FLU) assignment for this development as MDR (Medium Density Residential), which is intended for areas that are suitable for medium-density housing with densities ranging from five (5) to eight (8) dwelling units per acre. These are areas that are located around and near more-intensively developed areas and are relatively compact areas within larger neighborhoods. Compatible zonings included R-4, RA-4, RA-6, PRD (SF), and PRD (MF).

Below, requirements for townhouses per the MXD classification are compared with the development's proposed features:

- Intent of MXD zoning. Because the proposed development is singularly residential, the MXD zoning designation is ill-suited. While residential uses (including townhouses) are allowed in MXD, they are meant to be only a component part of a blended development. Mixed-use development is meant to integrate different uses, physically and functionally, to increase pedestrian movement and promote livability. To accomplish this, MXD zoning permits buildings to be clustered or arranged in an unconventional manner to maximize open space and create better connectivity between uses. As proposed, the development – lacking a mix of uses; lacking creative solutions to building (despite its unique environmental conditions); and lacking connectivity within and beyond its boundaries, the development accomplishes little of the district's intent.
- Density. The construction of 56 units on 10.19 acres translates to 5.5 units per acre. However, Public Works reports that 15% of the site is within the floodplain. Per the Zoning Ordinance (Section 710.10), the area within the floodplain should be deducted from the total site area for density calculation purposes. A 15% reduction in the acreage yields 8.67 acres. Calculating density at this rate results in 6.5 units/acre. While there are no density requirements for MXD developments, a density of 6.5 is comparatively low vis-à-vis other single-family townhome developments recently constructed in the area. This lower density, however, could help accomplish the aims of the MXD zoning whereby sensitive natural features, such as the stream (and potentially mature stands of trees), are preserved and highlighted as defining features of the development.

- Bulk and Area Regulations. MXD developments allow for flexible planning. Although townhomes typically require minimum lot sizes of 4,000 square feet, the footprints of townhome units proposed measure approximately 24 feet by 48 feet, generating much smaller lot sizes of 1,152 square feet. Although no variance is required as the development is intended to be zoned MXD, smaller lot sizes are allowed in this district to allow for the clustering or arrangement of buildings in an unconventional manner to maximize open space. As presented, the plan situates townhomes in a very traditional manner to allow maximum development rather than capitalizing on open space as a feature.
- “Four-sided architecture.” Under MXD zoning, materials must be used in a consistent manner on all four sides of each unit. The application states that “*residences shall be traditional or Craftsman style in architecture and design, with exteriors consisting of brick, stone, stacked stone, cedar shake, board and batten, and combinations thereof...*” but fails to specify if these materials will be used consistently on all visible sides of the units. Staff also notes that in addition to providing four-sided architecture, several recent successful applicants have staggered units within townhome blocks to make them more visually appealing.
 - Applicant to specify use of four-sided architecture, OR
 - Variance to be issued to waive the four-sided architecture requirements [§708.20 (B.2)]
- Two-car garages. The site plan satisfies the requirement whereby zoning requires a two-car garage as well as a 20-foot-long driveway to accommodate two additional cars.
- Guest parking. The required ratio for guest parking is 0.2 spaces per dwelling unit, which equates to the need for 12 additional parking spaces on site. Although 12 guest parking spaces are provided in the scheme as required (including one ADA accessible space), the majority (10 spaces) are provided at the entrance of the development. Over one-third of the units (21), however, are located 800 feet to 1,200 feet away from these spaces, or the equivalent of approximately 4 to 6 blocks the size of those found on Marietta Square (averaging around 200 feet long). A proportional number of parking spaces, equating to a total of five (5) spaces, closer to the end units would decrease the chance of guests parking on the street (particularly the hammerhead portion which in an emergency may have to be utilized by the fire department).
- Recreation area. A recreation area, with both active and passive recreation features, should be provided at a ratio of 1 acre per 50 units (or a proportional percentage thereof). A walking trail is shown as an active recreation use on the site plan, accessible to 75% of residences within 300 feet, satisfying the minimum requirement. However, significant portions of the trail are within the city’s 50-foot undisturbed buffer. Additionally, the trail is proposed to loop around stormwater detention ponds.

More innovative site planning and stormwater management could be applied on site to make these features that residents would enjoy walking around, rather than a (presumably) fenced detention pond. Regarding passive recreation spaces, locations for a dog park and overlook picnic area are shown on the plan. Combined, the amount of common space provided (active and passive areas) totals 1.12 acres, which satisfies the minimum requirement for the site.

- Variance to encroach into the City's 50- and 75- stream buffers for the portions of trail will need to be coordinated with Marietta's Engineering Division.

Environmental Impacts

A defining feature of the site is a stream that cuts diagonally across the property, from the northeast corner to the southwest – part of the Noonday Creek drainage basin. A second stream is physically situated outside of the property to the northwest but has stream buffers which extend into the site. Public Works also reports that there is potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency.

Because of the stream, development of townhomes will be more challenging, as the property contains floodplain (15% of the total site). Conversely, areas which cannot be developed could yield opportunities for the creation of the recreation area/neighborhood amenity. The developer will need to work with the City's Engineering Division regarding any applicable stream buffers and the type of recreation amenities which might be suitable in these locations. The development will also be expected to comply with the City's stormwater requirements. Public Works notes that 100% runoff reduction volume is required.

Four (4) encroachments of townhomes into the streams' 75-foot impervious setbacks occur with the development as depicted, and two (2) of these townhomes encroach further into the 50-foot undisturbed buffer. According to Chapter 7-10-05 B.2 – Stream Buffer Protection, where proposed encroachments into the buffer and/or impervious setback total less than or equal to 1,500 square feet, the Public Works Director, or his designee, may grant a variance from the buffer and setback requirements, provided such variance requires mitigation measures to offset the effects of any proposed land development on the parcel. Alternatively, redesign, removal, or relocation of the units in question could remedy the issue.

- Applicant to redesign, remove, or relocate townhomes which encroach into stream buffers, OR
- Variances to encroach into the City's 50- and 75- stream buffers for the portions of trail will need to be coordinated with Marietta's Engineering Division.

The development will be expected to comply with the Tree Protection and Landscaping Ordinance as well. Although the applicant submitted a tree save plan and tree planting plan to accompany the site plan, the calculations presented (notably credit sought for existing stands of trees) will be verified during permitting processes. The intent, however, to save stands of trees on site should be lauded.

Economic Functionality

The 10.19-acre lot is undeveloped, with only a barn and two (2) sheds on the entire parcel and is only accessed by a two-lane local road. Due to the environmental restrictions and poor road conditions, functional use of the property for industrial purposes would be very difficult.

Infrastructure

The proposed plan shows the residences will be accessed off a new private street. Sidewalks are shown on both sides of the proposed street, throughout the development, and along the entrance to the development up to the parcel property line, as required by Section 732.02. The plan shows a four (4)-foot sidewalk with a two (2)-foot landscape grass strip, which does not meet current requirements. Public Works will require a five (5)-foot wide sidewalk. Street trees are also required along the sidewalk at the entrance of the property (one street tree per 30 lineal feet of roadway); however, these are not shown.

Upon entering/exiting the development, Public Works is requiring a 150-foot deceleration lane with appropriate tapers; however, none is shown on the site plan. Further, street design must comply with Section 730.01, namely in regard to provision of two (2) access points for developments containing over 51 units and the plan shows only one (1); and the provision of a cul-de-sac if one end of the development is permanently closed (the plan shows a hammerhead configuration).

- Applicant to provide 5-foot sidewalks; the appropriate number of street trees; 150-foot deceleration lane with appropriate tapers; a second access point to the development; and/or a cul-de-sac if access at one end of the development is permanently closed, OR
- Variance to waive the required street trees [§712.08 (G.2.a.)]
- Variance to decrease the width of sidewalks from 5 ft to 4 ft [§732.07 (C)]
- Variance to waive the requirement for deceleration lane [§708.06 (B.2.g)]
- Variance to reduce the number of access points required for a proposed townhome development of 56 units from two (2) access points from an arterial or collector road to one (1) from a local road [§730.01 (A)]
- Variance to allow hammerhead configuration in lieu of the required cul-de-sac. [§730.01 (E)]

Sawyer Road Elementary, Marietta Middle, and Marietta High schools would serve this development. Information received from Marietta City Schools indicates Sawyer Road Elementary is under capacity, while Marietta Middle School is at capacity, and Marietta High School is over capacity (2,601 enrolled with capacity for 2,350). The additional 28 students that Marietta City Schools estimates would come from this development should therefore be accommodated easily at elementary and middle school levels but will put additional stress on the high school.

Overhead Electrical/Utilities

There are overhead utility lines on the opposite side of Old Bells Ferry Road, so there should be no conflicts with new street trees or buildings. All new utilities for the development will be required to be underground.

History of Property

There is no history of the property being that it is located within unincorporated Cobb County.

Historical Impacts

There is no indication that any historical structures or features are located at this site.

Other Issues

The MXD zoning district is intended to bring cohesiveness and resourcefulness when it comes to land planning techniques. The MXD designation is also site-specific, which requires City Council approval of a detailed plan prior to construction. Detailed plans, which include a site plan, tree plan, and building elevations, must be submitted to Council by way of the Judicial Legislative Committee. The plan approved with the rezoning shall become the General Plan.

ANALYSIS & CONCLUSION

Traton Homes, LLC is requesting the annexation and rezoning of 10.19 acres on the easterly side of Old Bells Ferry Road (a local road off of Bells Ferry Road) from Cobb County's zoning classification R-20 to City of Marietta's zoning classification MXD. The proposed development would consist of 56 townhome units, arranged along a new, private street to be accessed off of Old Bells Ferry Road. The area is characterized by light industrial development and higher density residential development, including at least three townhome communities to the northeast along Bells Ferry Road and to the northwest along Cobb Parkway.

Currently, the site is largely wooded and vacant, except for a barn and two sheds. A stream traverses the middle of the site from the northeast corner to the southwest. A portion of floodplain is present at its northeast and northwest corners, accounting for 15% of the site area according to Public Works. The presence of a stream/floodplain (and potentially wetlands) on the property creates potential development challenges, and opportunities. Issues include the possible encroachment of six (6) units into stream buffers. Additional requirements are not met per zoning in relation to architecture and street design; further design concerns relate to the allocation of guest parking, and the hammerhead street configuration. For the development to progress as currently designed, the following variances would be required:

- Variance to waive the four-sided architecture requirements [*§708.20 (B.2)*]
- Variances to encroach into the City's 50- and 75- stream buffers for the building units and portions of walking trail will need to be coordinated with Marietta's Engineering Division.
- Variance to waive the requirement for street trees [*§712.08 (G.2.a)*]
- Variance to decrease the width of sidewalks from 5 ft to 4 ft [*§732.07 (C)*]
- Variance to waive the requirement for deceleration lane [*§708.06 (B.2.g)*]
- Variance to reduce the number of access points required for a proposed townhome development of 56 units from two (2) access points from an arterial or collector road to one (1) access point from a local road [*§730.01 (A)*]
- Variance to allow hammerhead configuration in lieu of the required cul-de-sac. [*§730.01 (E)*]

The proposed townhome development is generally consistent with the development pattern of the surrounding area. The City is seeking a future land use (FLU) assignment for this development as MDR (Medium Density Residential), which is intended for areas that are suitable for medium-density housing with densities ranging from five (5) to eight (8) dwelling units per acre.

Prepared by: _____

Approved by: _____



DATA APPENDIX

COBB WATER & WASTEWATER

DRAINAGE AND ENVIRONMENTAL CONCERNS

Does flood plain exist on the property:	Yes
What percentage of the property is in the flood plain?	15 %
What is the drainage basin for the property?	Noonday Creek
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	Yes
If so, is the use compatible with the possible presence of wetlands?	N/A
Do stream bank buffers exist on the parcel?	Yes
Are there other topographical concerns on the parcel?	No
Are there storm water issues related to the application?	No
Potential presence of endangered species in the area?	No

Additional Comments:

- Site development plans will need to be submitted for review and approval.
- No City Stream Buffer Variances will be approved.
- Stream crossing will require a State Buffer Variance and may require US Corps of Engineers approval. Stream crossing to remain private for maintenance even if streets are to be dedicated to the City.
- Engineer will need to provide 100 YR flood elevations for culvert.
- Requirement of 100% runoff reduction volume.
- Economic hardship and site constraints cannot be cited in the runoff reduction feasibility analysis.
- Sidewalks required as shown.
- If two points of access are not provided, a circular turnaround(s) is required.
- Must comply with 730.01 including: centerline radii, limit to 51 units or provide second entrance, and provide accel/decel lanes.

TRANSPORTATION

What is the road affected by the proposed change?	Old Bells Ferry Rd
What is the classification of the road?	Local
What is the traffic count for the road?	Unknown
Estimated # of trips generated by the proposed development?	Unknown
Estimated # of pass-by cars entering proposed development?	Unknown
Do sidewalks exist in the area?	Yes
Transportation improvements in the area?	No
If yes, what are they?	NA



DATA APPENDIX CONTINUED

EMERGENCY SERVICES

Nearest city or county fire station from the development? 56 850 Sawyer Rd

Distance of the nearest station? 2.4 miles

Most likely station for 1st response? 56

Service burdens at the nearest city fire station (under, at, or above capacity)? Under

Comments:

All buildings will be required to be protected with fire sprinklers per 2-6-140. If access road is greater than 500' in length it will be required to be minimum 26' in width and culminate with a 96' cul-de-sac.

MARIETTA POWER - ELECTRICAL

Does Marietta Power serve this site? Yes _____ No x

If not, can this site be served? Yes _____ No x

What special conditions would be involved in serving this site?

Additional comments:



DATA APPENDIX CONTINUED

MARIETTA CITY SCHOOLS

Marietta City Schools Impact Assessment:

Elementary School System Servicing Development:	Sawyer Rd
Middle School Servicing Development:	Marietta Middle School
High School Servicing Development:	Marietta High School
Capacity at Elementary School:	725
Capacity at Middle School:	1,350
Capacity at Marietta Sixth Grade Academy:	775
Capacity at High School:	2,350
Current enrollment of Elementary School:	571
Current enrollment of Middle School:	1,359
Current enrollment of High School:	2,601
Number of students generated by present development:	28
Number of students projected from the proposed development:	0
New schools pending to serve this area:	0
<u>Comments:</u>	



Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Phone (770) 794-5440

APPLICATION FOR REZONING

(OWNER/APPLICANT OR REPRESENTATIVE MUST BE PRESENT AT ALL PUBLIC HEARINGS)
(NOTE: CORRESPONDENCE IS HANDLED VIA EMAIL UNLESS OTHERWISE REQUESTED)

For Office Use Only:

Application #: Z2022-05 Legistar #: 20211702 PZ #: 21-170
Planning Commission Hearing: 01/04/2022 City Council Hearing: 01/12/2022

Owner's Name James A. Adams and Gloria J. Adams

Documentation showing names of Principals authorized to sign application is **required for Corporations**.

EMAIL Address: gjradams@bellsouth.net

Mailing Address 375 Hicks Farm Road
Acworth, GA Zip Code: 30102 Telephone Number (404) 368-8288

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant's & Owners' Representative: Moore Ingram Johnson & Steele, LLP -
Applicant: Traton, LLC J. Kevin Moore

EMAIL Address: clif@tratonhomes.com; kcohen@tratonhomes.com; chris@tratonhomes.com

Mailing Address 720 Kennesaw Avenue, Marietta, GA Zip Code: 30060

Telephone Number (770) 427-9064 Add'l Email Address: _____

Address of property to be rezoned: 1326 Old Bells Ferry Road

Land Lot (s) 09310 District 16 Parcel 0010 Acreage 10.19± Ward 4B Future Land Use: IC
(Cobb)

Present Zoning Classification: R-20 Proposed Zoning Classification: MXD
(Cobb) (City)

REQUIRED INFORMATION

Applicant must submit the following information by **4:00 p.m.** on or before the application deadline. Failure to submit any item, or any additional information that might be requested, on or before the deadline will result in the application being held until the next scheduled meeting of the Planning Commission.

- The original application must be submitted with ALL ORIGINAL SIGNATURES - Copies of the application or signature(s) will NOT be accepted.** ALL rezoning submittals must include proposed plans, supplementary material, etc. in Adobe Acrobat on computer disk or jump drive.
- Legal Description. Legal description must be in a WORD DOCUMENT and included in disc or jump drive.
- Application fee (\$500)
- Copy of the deed that reflects the current owner(s) of the property. Documentation showing names of Principals authorized to sign application is **required for Corporations**.
- Copy of current tax bill showing payment or a certification from the City of Marietta Tax Office stating that taxes have been paid.
- Site plan, plat or survey prepared by an architect, engineer (P.E. or Civil Engineer), Landscape Architect or Land Surveyor whose state registration is current and valid, and whose seal shall be affixed to the site plan/plat/survey.

Copies Required: One (8 1/2" x 11") -or- One (11" x 17") drawn to scale.

Optional: Additional Plat size: (24"x 36"). If providing (24"x 36") then 5 copies REQUIRED of the plat size pages.

- A detailed written description of the proposed development/project must be submitted with the application.
- REZONING REQUESTS TO PRD, PCD, PID, or MXD MUST INCLUDE THE GENERAL PLAN CHECKLIST WITH THIS APPLICATION.**

ATTACHMENT TO APPLICATION FOR REZONING

Application No.: 22022-05
Legistar No.: 20211702
Hearing Dates: January 4, 2022
January 12, 2022

Applicant: Traton, LLC
Titleholders: James A. Adams and Gloria J. Adams

DESCRIPTION OF PROPOSED DEVELOPMENT/PROJECT

The property which is the subject of the Application for Rezoning by Applicant, Traton, LLC (hereinafter "Applicant") consists of a total tract of 10.19 acres, more or less, and is located on the easterly side of Old Bells Ferry Road, north of Cobb Parkway, Land Lot 931, 16th District, 2nd Section, being more particularly known as 1326 Old Bells Ferry Road, unincorporated Cobb County, Georgia (hereinafter "Property" or "Subject Property"). The Rezoning Application seeks approval of a request to rezone the Subject Property from its existing Cobb County zoning classification of R-20 to the proposed City of Marietta zoning classification of MXD. Applicant is seeking annexation of the Property into the City of Marietta and rezoning for development of a townhome community.

Applicant proposes the construction of a maximum of fifty-six (56) townhome units. All residences shall be traditional or Craftsman style in architecture and design, with the exteriors consisting of brick, stone, stacked stone, cedar shake, board and batten, and combinations thereof, and shall have two-car garages. The residences shall have a minimum of 1,800 square feet, and possibly greater. Access to the proposed community will be from Old Bells Ferry Road. Access to the residences will be via a private street within the overall community.

No mass grading will occur, thus preserving the natural characteristics of the Property. Applicant will utilize the natural areas of the Property to create passive and active amenities for the proposed community; including, but not limited to, a fire pit, overlook picnic area, nature walking trails, and scenic creek locations.

Applicant will supplement its Application for Rezoning with additional items; including, but not limited to the following, throughout the rezoning process:

- (1) Updated and revised Zoning Plan, if necessary;
- (2) Tree Save Plan;
- (3) Tree Replacement Plan; and
- (4) Elevations.

A detailed letter of agreeable zoning stipulations and conditions will be submitted on behalf of Applicant prior to the hearings before the Planning Commission and Mayor and City Council. Any required variances will be more particularly set forth during the rezoning process.

Applicant is very excited with the opportunity of this new project within the City of Marietta. The project will redevelop the Property for a much-needed product for the area and the City.

FINANCIAL INTEREST

The **Applicant** herein certifies that he/she ☐ has ☐ has not a financial interest in the property which is ten percent (10%) or more.

Traton, LLC

Applicant Print Name

See Attached Exhibit "B"

Signature of Applicant

OWNER / APPLICANT CERTIFICATION

- The Owner **or** Applicant certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant's knowledge and belief. Should any portion not be true, then the application may be rejected.
- Penalty for false or fraudulent statement: Whoever, in any matter, knowingly and willingly falsifies or makes any false, fictitious or fraudulent statement of representatives concerning this application shall be denied the request stated in this application.
- The Owner or Applicant hereby gives permission to enter on the property for inspection during the time application is pending.
- **CAMPAIGN CONTRIBUTIONS:** The Owner **and** Applicant herein certify that he/she ☐ has ☐ has not made campaign contributions or gifts aggregating \$250.00 or more to the Mayor, any member of Council or any member of the Planning Commission within the two (2) years preceding the filing of this application.

See Attached Exhibit "B"

Applicant Signature (if not the Owner)

Traton, LLC

Please Print

See Attached Exhibit "A"

Owner Signature

James A. Adams and Gloria J. Adams

Please Print

Mailing Address

Date

Signed, sealed and delivered in the presence of:

My Commission Expires:

Note: Owner, Applicant or Representative must be present at meeting in order for case to be heard.

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR REZONING

(Page One of Two)

Application No.: 22022-05
Legistar No.: 20211702
Hearing Dates: January 4, 2022
January 12, 2022

Applicant: Traton, LLC
Property Owners: James A. Adams and Gloria J. Adams

CAMPAIGN CONTRIBUTIONS

JAMES A. ADAMS and GLORIA J. ADAMS, Property Owners in this Application for Rezoning, herein certify they have not made campaign contributions or gifts aggregating \$250 or more to the Mayor, any member of the City Council, or any member of the Planning Commission within the two (2) years preceding the filing of this Application for Rezoning.

FINANCIAL INTEREST

JAMES A. ADAMS and GLORIA J. ADAMS, Property Owners in this Application for Rezoning, herein certify they do have a financial interest in the property which is ten (10) percent or more.

PROPERTY OWNER CERTIFICATION

JAMES A. ADAMS and GLORIA J. ADAMS, Property Owners in this Application for Rezoning, herein certify that all information in this Application for Rezoning, and all information furnished in support of this Application are true and complete to the best of their knowledge, information, and belief. Should any portion not be true, then the Application may be rejected.

Penalty for false or fraudulent statement: Whoever, in any matter, knowingly and willingly falsifies or makes any false, fictitious, or fraudulent statement of representations concerning this Application for Rezoning shall be denied the request stated in this Application.

JAMES A. ADAMS and GLORIA J. ADAMS, Property Owners in this Application for Rezoning, hereby give permission to Staff of the City of Marietta Planning and Zoning Department to enter upon the Property for inspection during the time the Application for Rezoning is pending.

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[Signatures contained on page 2]

PAGE 2 - EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR REZONING
(Page Two of Two)


Application No.: Z2022-05
Legistar No.: 20211702
Hearing Dates: January 4, 2022
January 12, 2022

Applicant: **Traton, LLC**
Property Owners: **James A. Adams and Gloria J. Adams**


James A. Adams

Date Executed: November 15, 2021

Signed, sealed, and delivered in the presence of:


Notary Public
My Commission Expires: 1/31/2023



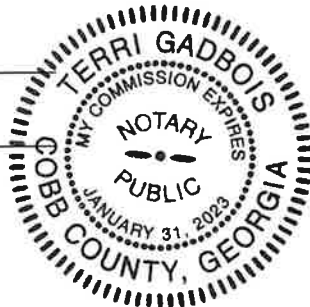

Gloria J. Adams

Date Executed: November 15, 2021

Signed, sealed, and delivered in the presence of:


Notary Public
My Commission Expires: 1/31/2023

[Notary Seal]



Property Owner Address:

James A. Adams
Gloria J. Adams
375 Hicks Farm Road
Acworth, Georgia 30102
(404) 368-8288
E-mail: gjradams@bellsouth.net

EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR REZONING

(Page One of Two)

Application No.: 22022-05
Legistar No.: 20211702
Hearing Dates: January 4, 2022
January 12, 2022

Applicant: Traton, LLC
Property Owners: James A. Adams and Gloria J. Adams

CAMPAIGN CONTRIBUTIONS

The Applicant, TRATON, LLC, by and through its undersigned authorized signatory, herein certifies that it has not made campaign contributions or gifts aggregating \$250 or more to the Mayor, any member of the City Council, or any member of the Planning Commission within the two (2) years preceding the filing of this Application for Rezoning.

FINANCIAL INTEREST

The Applicant, TRATON, LLC, by and through its undersigned authorized signatory, herein certifies that it does have a financial interest in the property which is ten (10) percent or more.

APPLICANT CERTIFICATION

The Applicant, TRATON, LLC, by and through its undersigned authorized signatory, certifies that all information in this Application for Rezoning, and all information furnished in support of this Application are true and complete to the best of its knowledge, information, and belief. Should any portion not be true, then the Application may be rejected.

Penalty for false or fraudulent statement: Whoever, in any matter, knowingly and willingly falsifies or makes any false, fictitious, or fraudulent statement of representations concerning this Application for Rezoning shall be denied the request stated in this Application.

Applicant, TRATON, LLC, by and through its undersigned authorized signatory, hereby gives permission to Staff of the City of Marietta Planning and Zoning Department to enter upon the property for inspection during the time the Application for Rezoning is pending.

[Balance of page left intentionally blank]

[Signature contained on page 2]

PAGE 2 - EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR REZONING
(Page Two of Two)

Application No.: 22022-05
Legistar No.: 20211702
Hearing Dates: January 4, 2022
January 12, 2022

Applicant: **Traton, LLC**
Property Owners: **James A. Adams and Gloria J. Adams**

TRATON, LLC
a Georgia limited liability company

BY: TRATON HOLDINGS, LLC,
a Georgia limited liability company,
its Sole Member

BY: [Signature]
Authorized Signatory
Printed Name: W. C. Poston Jr

Date Executed: November 10, 2021

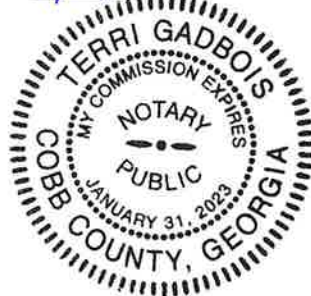
Signed, sealed, and delivered in the presence of:

[Signature]

Notary Public

My Commission Expires: 1/31/2023

[Notary Seal]



Applicant Address:

Traton, LLC
720 Kennesaw Avenue
Marietta, Georgia 30060
(770) 427-9064

E-mail: chris@tratonhomes.com
clif@tratonhomes.com
kcohen@tratonhomes.com

ATTACHMENT TO APPLICATION FOR REZONING

Application No.: Z2022-05
Legistar No.: 20211702
Hearing Dates: January 4, 2022
January 12, 2022

Applicant: **Traton, LLC**
Property Owners: **James A. Adams and Gloria J. Adams**

Representative for Applicant and Property Owners:

MOORE INGRAM JOHNSON & STEELE, LLP

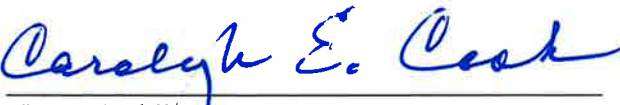
BY: 

J. Kevin Moore
Georgia Bar No. 519728

Attorneys for Applicant and Property Owners

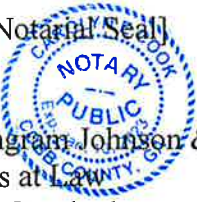
Date Executed: November 22, 2021

Signed, sealed, and delivered in the presence of:



Notary Public
Commission Expires: January 10, 2023

[Notary Seal]



Moore Ingram Johnson & Steele, LLP
Attorneys at Law
Emerson Overlook
Suite 100
326 Roswell Street
Marietta, Georgia 30060
(770) 429-1499
(770) 429-8631 (Telefax)
E-mail: jkm@mijs.com

ATTACHMENT TO APPLICATION FOR REZONING

Application No.: 22022-05
Legistar No.: 20211702
Hearing Dates: **January 4, 2022**
January 12, 2022

Applicant: **Traton, LLC**
Property Owners: **James A. Adams and Gloria J. Adams**

Applicant: Traton, LLC
720 Kennesaw Avenue
Marietta, Georgia 30060
(770) 427-9064
E-mail: clif@tratonhomes.com
chris@tratonhomes.com
kcohen@tratonhomes.com

Titleholders: James A. Adams
Gloria J. Adams
375 Hicks Farm Road
Acworth, Georgia 30102
(404) 368-8288
E-mail: gjadams@bellsouth.net

Applicant's and Owners' Representative: J. Kevin Moore, Esq.
Moore Ingram Johnson & Steele, LLP
Attorneys at Law
Emerson Overlook
326 Roswell Street
Marietta, Georgia 30060
(770) 429-1499 (Office)
(770) 429-8631 (Telefax)
E-mail: jkm@mijs.com

ATTACHMENT TO APPLICATION FOR REZONING
(Page One of Two)

Application No.: Z2022-05
Legistar No.: 20211702
Hearing Dates: January 4, 2022
January 12, 2022

Applicant: **Traton, LLC**
Property Owners: **James A. Adams and Gloria J. Adams**

CAMPAIGN CONTRIBUTIONS

The undersigned Attorney for Applicant and Property Owners herein certifies the law firm of Moore Ingram Johnson & Steele, LLP has made the following campaign contributions aggregating \$250 or more to the Mayor, any member of Council, or any member of the Board of Zoning Appeals within the two (2) years preceding the filing of this Application for Rezoning:

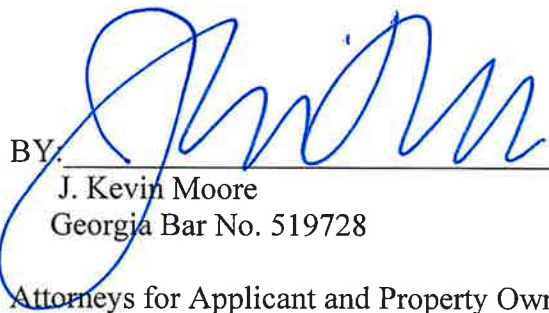
06/17/2021	Griffin L. (Grif) Chalfant	\$500.00
07/01/2021	Johnny Walker	\$500.00
08/06/2021	G. A. (Andy) Morris	\$500.00

FINANCIAL INTEREST

The undersigned Attorney for Applicant and Property Owners herein certifies the law firm of Moore Ingram Johnson & Steele, LLP does not have a financial interest in the property which is ten (10) percent or more.


Executed this 22nd day of November, 2021.

MOORE INGRAM JOHNSON & STEELE, LLP

BY: 

J. Kevin Moore
Georgia Bar No. 519728
Attorneys for Applicant and Property Owners

Signed, sealed, and delivered in the presence of:



Notary Public
Commission Expires: January 10, 2023



[Notarial Seal]

ATTACHMENT TO APPLICATION FOR REZONING
(Page Two of Two)

Application No.:	<u>Z2022-05</u>
Legistar No.:	<u>20211702</u>
Hearing Dates:	January 4, 2022 January 12, 2022

Applicant:	Traton, LLC
Property Owners:	James A. Adams and Gloria J. Adams

Moore Ingram Johnson & Steele, LLP
Attorneys at Law
Emerson Overlook
Suite 100
326 Roswell Street
Marietta, Georgia 30060
(770) 429-1499
(770) 429-8631 (Telefax)
E-mail: jkm@mijs.com

ATTACHMENT TO APPLICATION FOR REZONING

Application No.: 22022-05
Hearing Dates: January 4, 2022
January 12, 2022

**BEFORE THE PLANNING COMMISSION
AND THE MAYOR AND CITY COUNCIL
FOR THE CITY OF MARIETTA, GEORGIA**

**CONSTITUTIONAL CHALLENGE
ATTACHMENT TO APPLICATION FOR REZONING**

COME NOW, Applicant, TRATON, LLC (hereinafter referred to as “Applicant”), and Property Owners, JAMES A. ADAMS and GLORIA J. ADAMS (hereinafter collectively referred to as “Property Owners” or “Owners”), and assert the following:

1.

By Applications for Annexation and Rezoning dated and filed November 22, 2021, Applicant and Property Owners applied for annexation and rezoning of approximately 10.19 acres, more or less, of real property lying and being in Cobb County, Georgia, a more particular description and delineation of the subject property being set forth in said Applications (hereinafter referred to as the “Property” or the “Subject Property”).

2.

The Application for Rezoning of the Property seeks rezoning from the existing zoning category of R-20, as established by the governing authority of Cobb County, Georgia, under and pursuant to Ga. Laws 1956, p. 2006 (hereinafter the “Zoning and Planning Ordinance of Cobb County”), as amended, to the proposed zoning category of MXD, as established by the governing authority of the City of Marietta, Cobb County, Georgia, under and pursuant to the Zoning and Planning Ordinance of the City of Marietta, Georgia (hereinafter the “Zoning and Planning Ordinance of the City of Marietta”).

3.

The Zoning and Planning Ordinance of Cobb County and the Zoning and Planning Ordinance of the City of Marietta (hereinafter collectively "Zoning Ordinances") are unconstitutional as applied to the Subject Property in that said Ordinances deprive Applicant and Property Owners of their Property under and pursuant to Art. I, § I, ¶¶ I and II of the Georgia Constitution of 1983, and the Equal Protection and Due Process Clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States of America. This deprivation of Property without due process violates the constitutional prohibition against the taking of private property without just compensation. The R-20 zoning category, as it presently exists in Cobb County, together with any intervening zoning categories between the existing R-20 category and the requested MXD zoning category in the City of Marietta, violate the Applicant's and Property Owners' rights to unfettered use of their Property in that said zoning classifications do not bear a substantial relation to the public health, safety, morality, or general welfare and are therefore confiscatory and void. Further, said Ordinances are unconstitutional in that they are arbitrary and unreasonable resulting in relatively little gain or benefit to the public, while inflicting serious injury and loss on the Applicant and Property Owners.

4.

To the extent the Zoning and Planning Ordinance of the City of Marietta allows or permits the Mayor and City Council to rezone the Property to any category other than as requested, said Ordinance is further unconstitutional in that same violates Applicant's and Property Owners' constitutionally guaranteed rights to due process, both substantive and procedural. Furthermore, any such action by the Mayor and City Council, or as allowed by the Zoning and Planning Ordinance of the City of Marietta, is an unconstitutional use of the

zoning power and would constitute an abuse of discretion with no justification or benefit flowing to the public welfare. Accordingly, said Ordinance or action would likewise represent a taking of private property rights without the payment of just and adequate compensation in violation of the Constitutions of the State of Georgia and the United States of America.

5.

The Zoning and Planning Ordinance of the City of Marietta is further unconstitutional in that the procedures contained therein pertaining to the public hearing held in connection with the Application for Rezoning also violate Art. I, § I, ¶¶ I, II, and XII of the Georgia Constitution of 1983 in that said procedures impose unreasonable time restraints, contain the absence of rebuttal, contain the inability to confront witnesses, contain the lack of procedural and evidentiary safeguards, do not restrict evidence received to the issue at hand and are controlled wholly and solely by political considerations rather than the facts and considerations required by law. These procedures fail to comport with the due process requirements of the Constitution of the State of Georgia 1983 and the due process requirements of the Constitution of the United States of America.

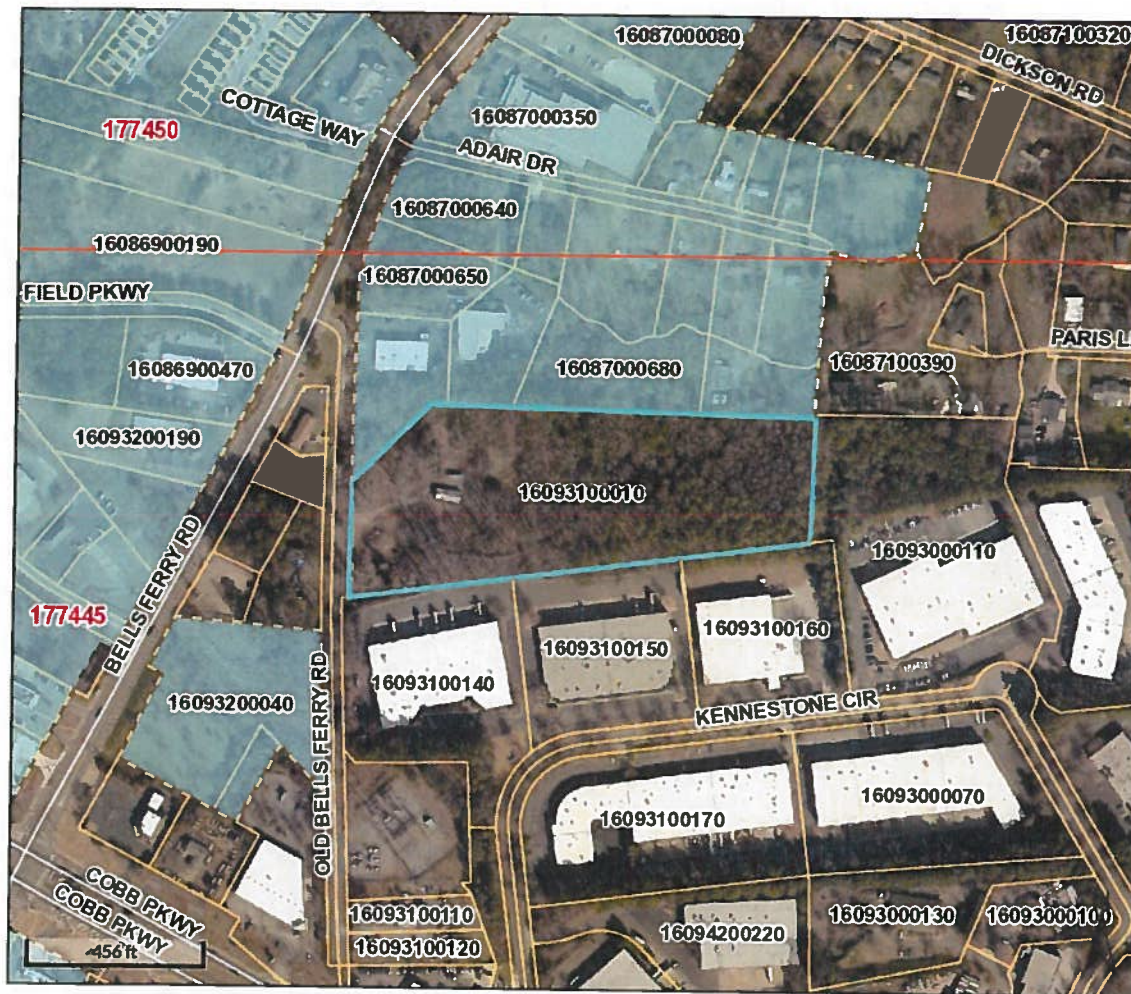
Respectfully submitted, this 22nd day of November, 2021.

MOORE INGRAM JOHNSON & STEELE, LLP

BY: 

J. KEVIN MOORE
Georgia Bar No. 519728

Attorneys for Applicant and Property Owners



Overview



Legend

- Cobb Tile Index
- Cities**
 - Acworth
 - Austell
 - Kennesaw
 - Marietta
 - Powder Springs
 - Smyrna
 - Unincorporated
- ▲ Administrative Facilities
- 📖 Libraries
- 👮 Police Stations
- 🚒 Fire Stations
- County Parks
- Federal Parks
- # House Number Labels
- Parcels
- Roads**
 - ARTERIAL
 - INTERSTATE
 - LOCAL
 - MAJOR
 - MINOR
 - PRIVATE
 - RAMP

Parcel ID 16093100010
 Class Code R5 - Residential Large Tracts
 Taxing District (9) UNINCORPORATED
 Acres 10

Physical Address 1326 OLD BELLS FERRY RD
 Owner ADAMS JAMES A AND GLORIA
 375 HICKS FARM RD
 ACWORTH GA 30102

Last 2 Sales			
Date	Price	Reason	Qual
n/a	0	n/a	n/a
n/a	0	n/a	n/a

Date created: 10/18/2021
 Last Data Uploaded: 10/18/2021 6:40:30 PM

Developed by **Schneider**
 GEOSPATIAL

CITY OF MARIETTA

PUBLIC NOTICE OF REZONINGS and CODE AMENDMENTS

The City of Marietta hereby gives notice that a public hearing will be held on the following by the Planning Commission on **Tuesday, January 4th, 2022, 6:00 PM**, City Hall, for a recommendation to the City Council at their meeting on **Wednesday, January 12th, 2022, 7:00 p.m.**, City Hall, for a final decision to be made.

Z2022-05 [REZONING] TRATON, LLC. (JAMES & GLORIA ADAMS) are requesting the rezoning of 10.19 acres located in Land Lot 931, District 16, Parcel 0010 of the 2nd Section, Cobb County, Georgia, and being known as 1326 Old Bells Ferry Road from R-20 (Single Family Residential - County) to MXD (Mixed Use Development - City). Ward 4B.

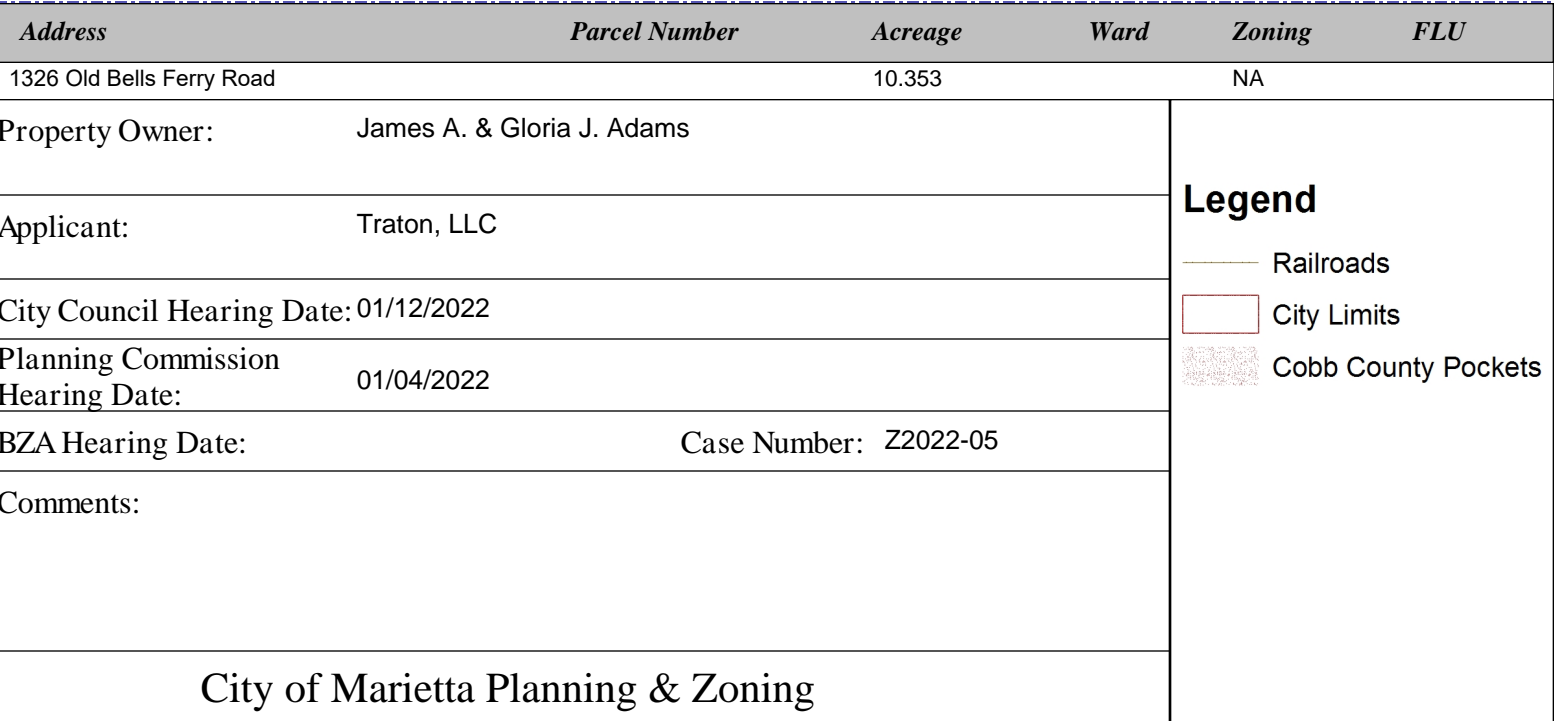
CA2022-02 [CODE AMENDMENT] TRATON, LLC (JAMES & GLORIA ADAMS). In conjunction with the requested annexation of property located in Land Lot 9310, District 16, Parcel 0010 of the 2nd Section, Cobb County, Georgia and being known as 1326 Old Bells Ferry Road, the City of Marietta proposes to designate the Future Land Use of said property as MDR (Medium Density Residential). Ward 4B.

A description and plat of the property sought for the rezoning, special land use permit, and variances are on file in the Planning and Zoning Office, City Hall, and is available for inspection between 8:00 AM. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto. You may also review the property file at www.mariettaga.gov and enter the case# in the search box.

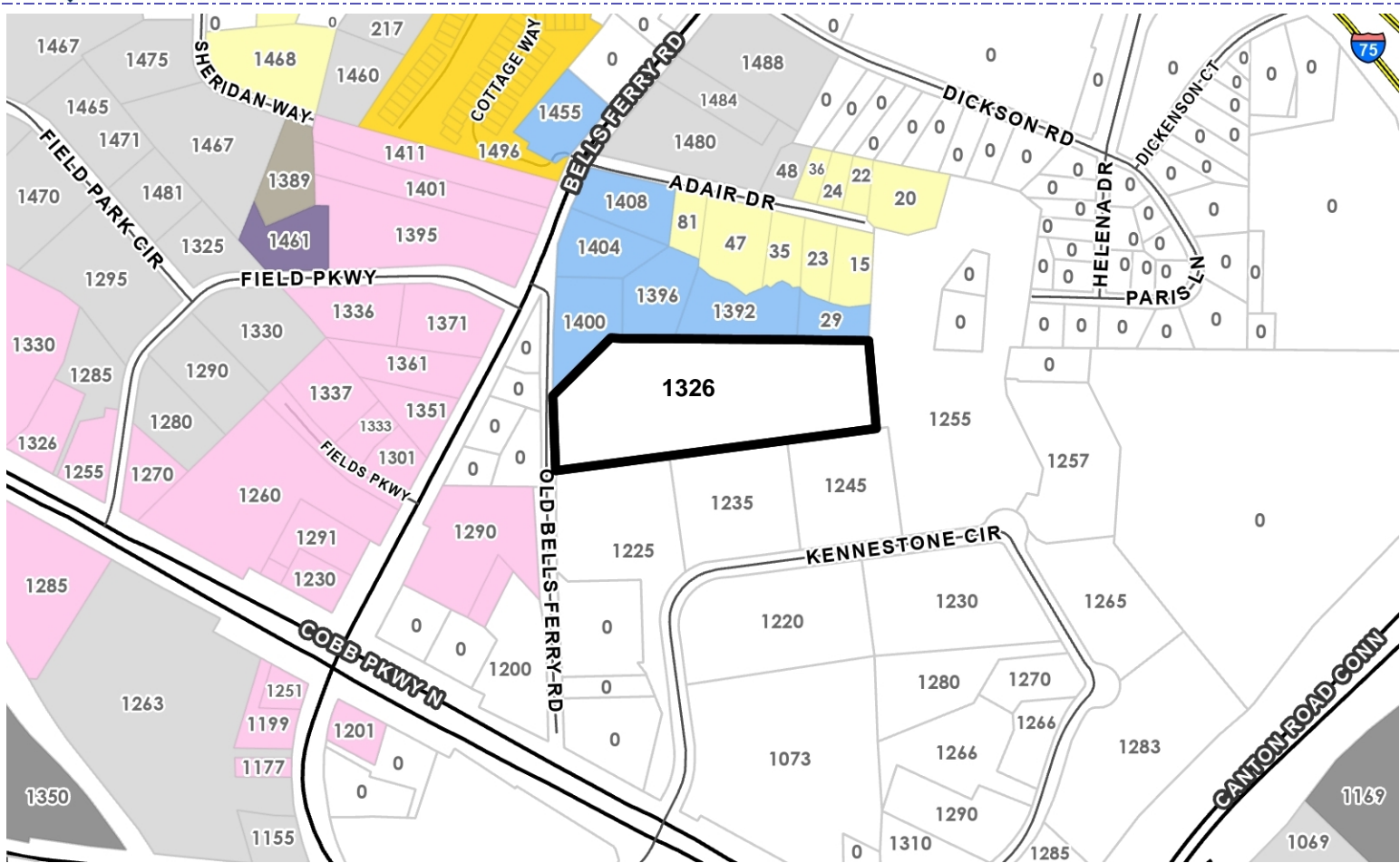
For additional information please call the Planning and Zoning Office (770) 794-5669.

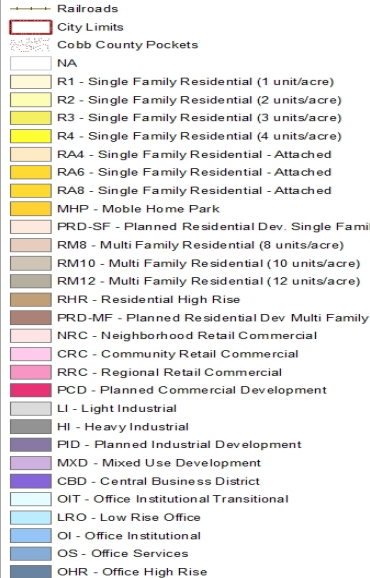
Accessibility to Meetings: If you believe you may need the City/BLW to provide special accommodations in order to attend/or participate in any of the above meetings, please call ADA Coordinator at 770-794-5558 no later than 48 hours before the date of the above meeting.

City of Marietta
205 Lawrence Street
Marietta, Georgia 30060

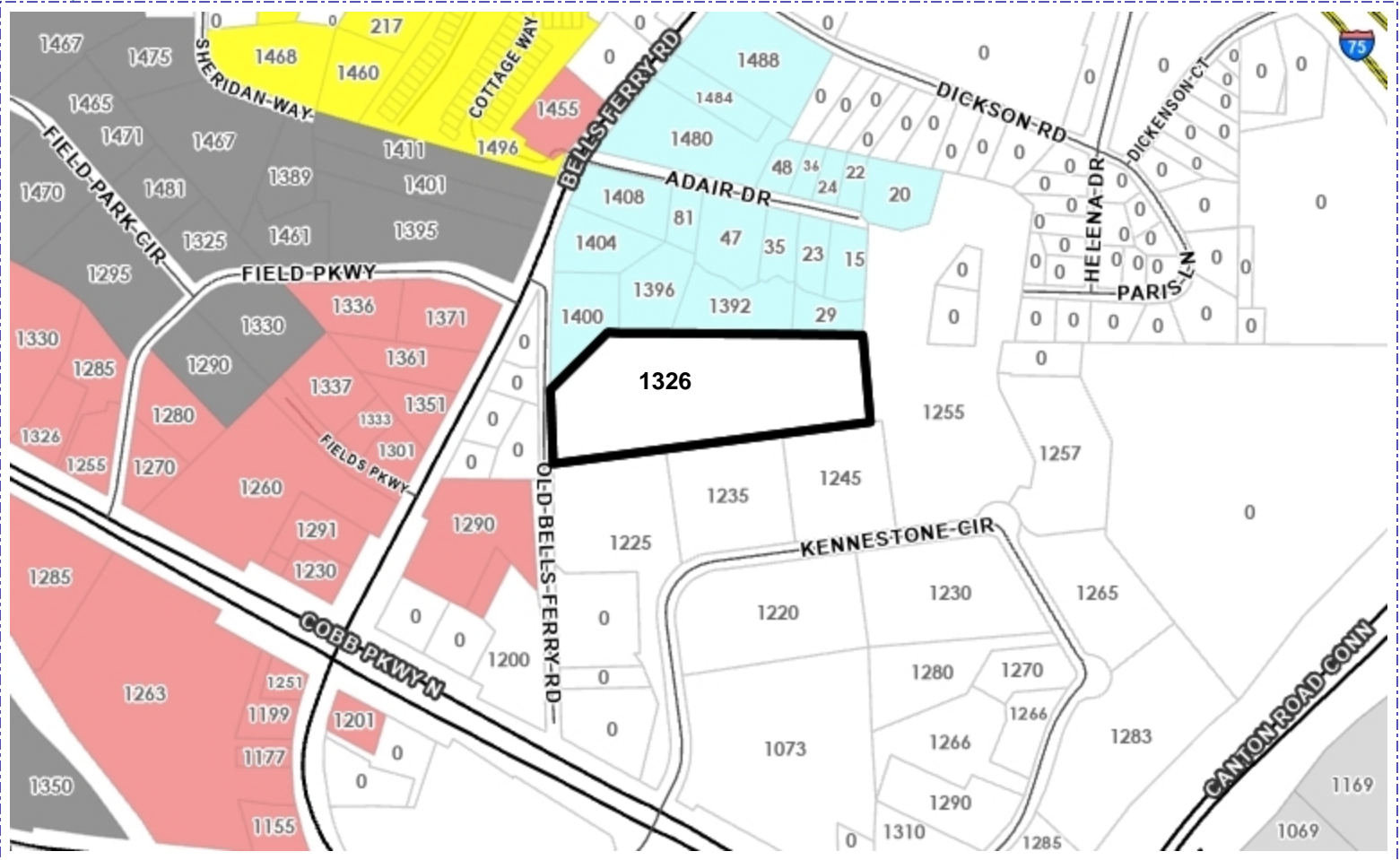


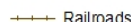
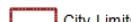
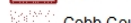
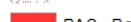


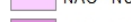
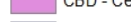
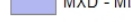
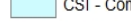

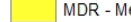

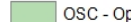



Rezoning



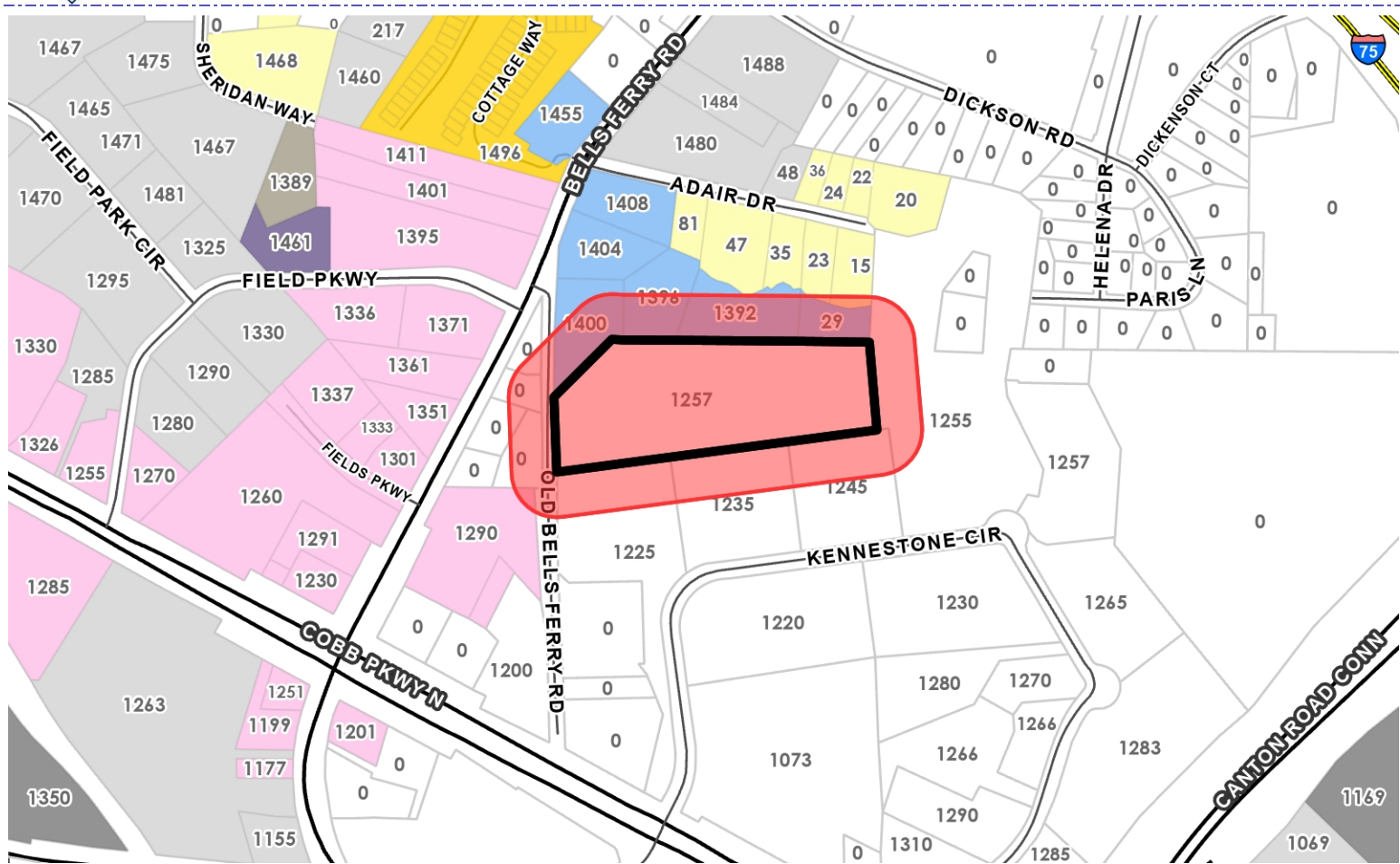
Address		Parcel Number	Acreage	Ward	Zoning	FLU
1326 Old Bells Ferry Road			10.353		NA	
Property Owner:	James A. & Gloria J. Adams				Zoning Symbols 	
Applicant:	Traton, LLC					
Proposed Zoning:	MXD					
Agent:						
Proposed Use:						
Planning Commission Date:	01/04/2022					
City Council Hearing Date:	01/12/2022	Case Number: Z2022-05				
City of Marietta Planning & Zoning						

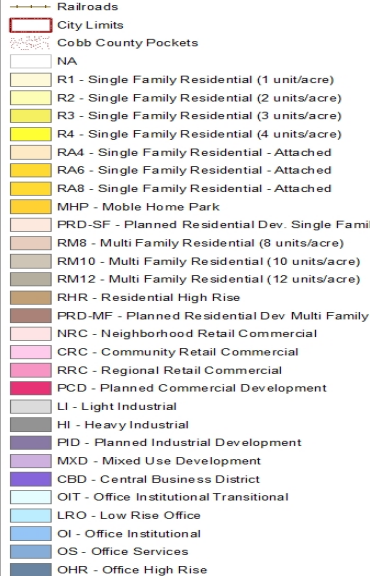
Future Land Use



Address	Parcel Number	Acreage	Ward	Zoning	FLU
1326 Old Bells Ferry Road		10.353		NA	
Planning Commission Hearing Date: 01/04/2022			Future Land Use Symbols  Railroads  City Limits  Cobb County Pockets  RAC - Regional Activity Center  CAC - Community Activity Center  NAC - Neighborhood Activity Center  CBD - Central Business District  MXD - Mixed Use Development  CSI - Community Service and Institutional  HDR - High Density Residential  MDR - Medium Density Residential  LDR - Low Density Residential  OSC - Open Space / Conservation  PR - Parks / Recreation  IW - Industrial Warehousing  IM - Industrial Manufacturing  TCU - Transportation and Utilities		
City Council Hearing Date: 01/12/2022					
Future Land Use:					
Case Number:					
Comments:					
City of Marietta Planning & Zoning					

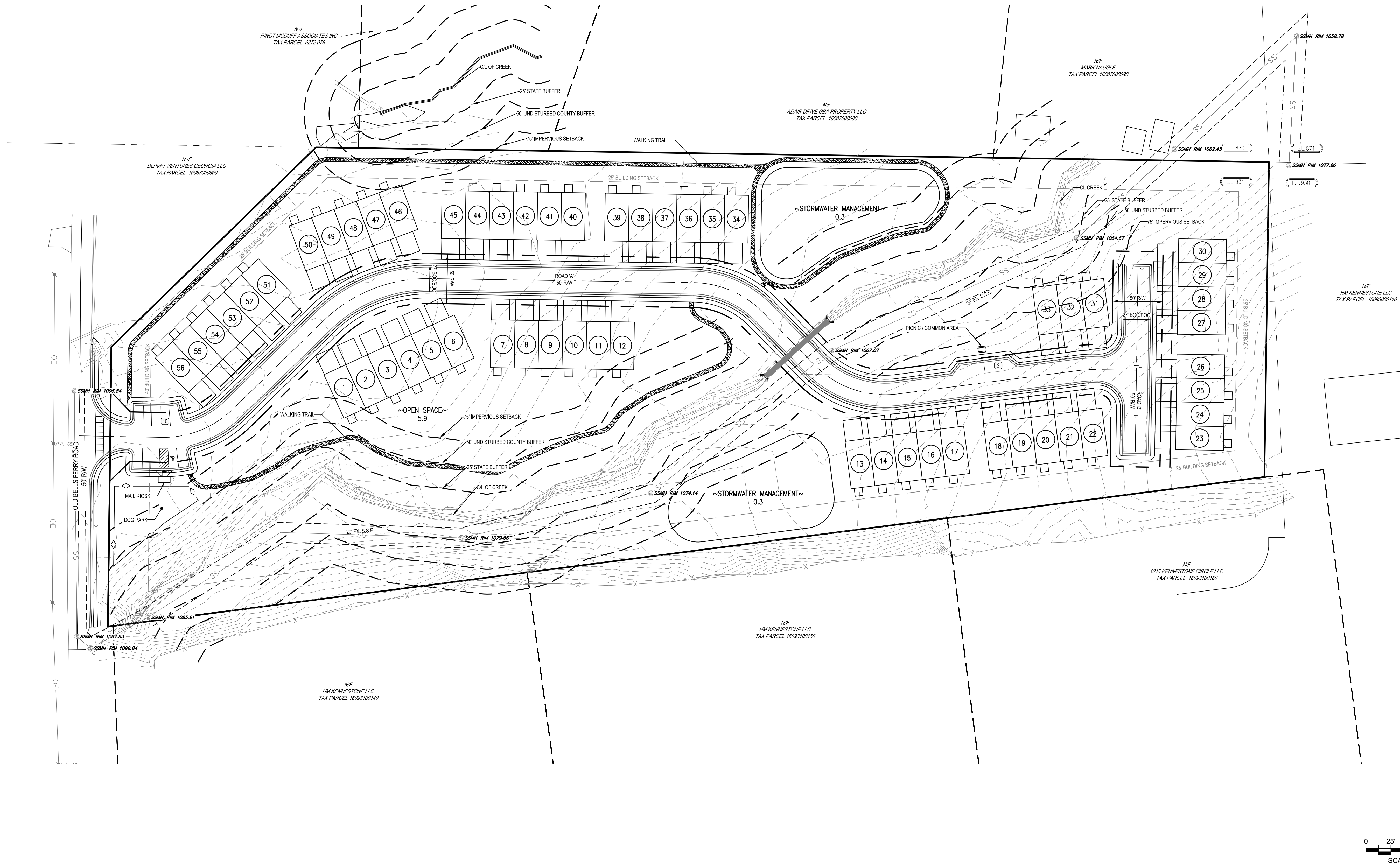
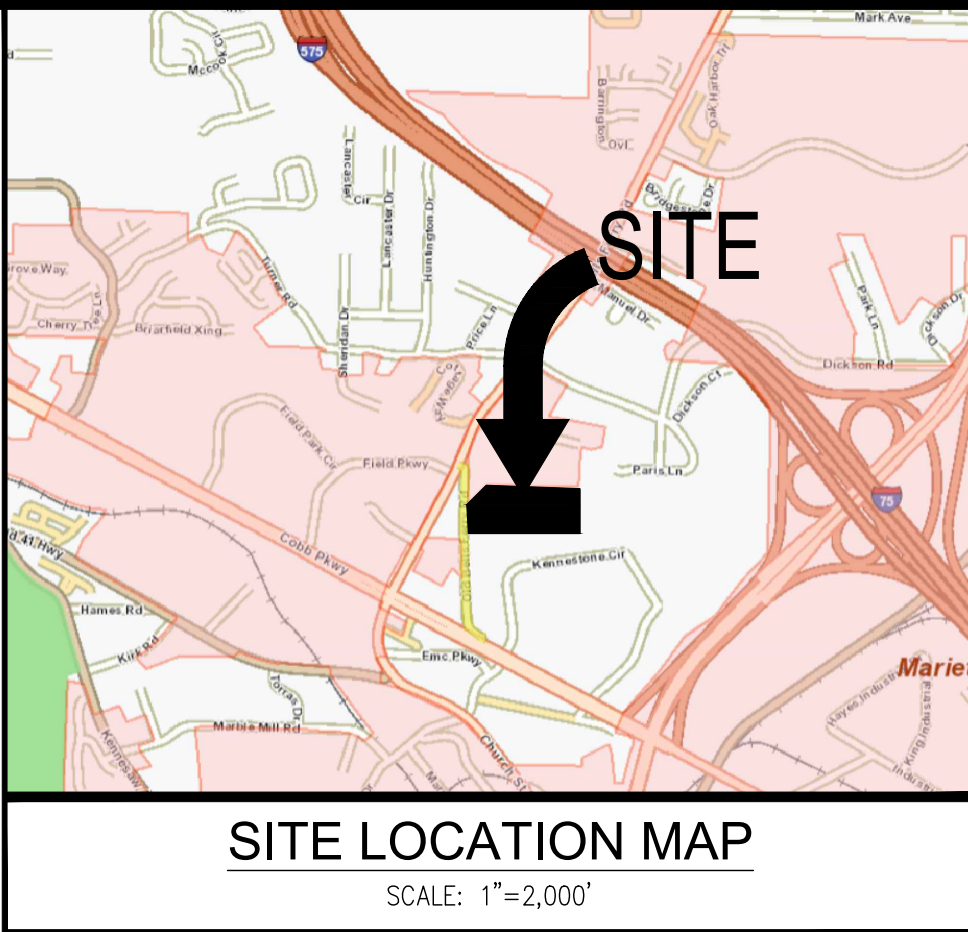
200ft Buffer



Address		Parcel Number	Acreage	Ward	Zoning	FLU
1326 Old Bells Ferry Road			10.353		NA	
Property Owner:	James A. & Gloria J. Adams				Zoning Symbols 	
Applicant:	Traton, LLC					
Proposed Zoning:	MXD					
Agent:						
Proposed Use:						
Planning Commission Date:	01/04/2022	BZA Hearing Date:				
City Council Hearing Date:	01/12/2022	Case Number:		Z2022-05		
City of Marietta Planning & Zoning						

GENERAL SITE NOTES:

1. MINIMUM TRACT SIZE = 5.0 ACRES
2. TOTAL TRACT AREA = 10.19 ACRES
3. TOTAL NUMBER OF PROPOSED UNITS = 56 UNITS
4. ZONING = MXD
5. BUILDING SETBACKS (MEASURED FROM EXTERIOR PROPERTY LINE):
FRONT = 40';
REAR = 25';
SIDE (MAJOR) = 25';
SIDE (MINOR) = 0'
6. PROPOSED DENSITY = 5.5 UNITS/ACRE
7. MAXIMUM BUILDING HEIGHT = 35' (TWO STORIES)
8. MINIMUM DISTANCE BETWEEN BUILDINGS = 10'
9. 4' SIDEWALKS WITH 2' BEAUTY STRIP TO BE PROVIDED ON BOTH SIDES OF THE ROAD
10. DRIVEWAYS TO MEASURE 20' FROM EITHER BACK OF SIDEWALK OR BACK OF CURB TO ACCOMMODATE TWO ADDITIONAL CARS.
11. REQUIRED PARKING PER ZONING = 0.2 SPACES PER DWELLING UNIT
0.2 SPACE * 56 UNITS = 11.2 SPACES
12. PROVIDED PARKING SPACES = 12 PARKING SPACES INCLUDING ONE (1) ADA ACCESSIBLE SPACE.
13. OPEN SPACE PROVIDED = 5.90 ACRES (~58%)
14. COMMON SPACE PROVIDED = 1.12 ACRES
15. NOTIFY COUNTY INSPECTOR 24 HOURS PRIOR TO ANY WORK ON SITE.
16. ACTIVE RECREATION FEATURE TO BE PROVIDED IN COMMON OPEN SPACE UTILIZING NATURAL FEATURES ON SITE, SUCH AS NATURE TRAILS AND SCENIC CREEK LOCATIONS
17. PASSIVE RECREATION FEATURES PROVIDED IN COMMON OPEN SPACE WITH COMMUNITY FIRE PIT AND OVERLOOK PICNIC AREA.
18. ACTIVE RECREATION FEATURE TO SPAN ACROSS SITE TO SERVICE 75% OF THE TOWNHOMES WITHIN 300 FEET. NO MASS CLEARING TO PRESERVE NATURAL CHARACTERISTICS. AREA TO HAVE A MINIMUM OF 25% ADA ACCESSIBLE.
19. PASSIVE AND ACTIVE RECREATION FEATURE AREAS TO MEET REQUIRED RECREATION SPACE PER ZONING. LOCATIONS ARE SUBJECT TO CHANGE DURING ENGINEERING DESIGN.



REV	DATE	DESCRIPTION
A		
A		
A		
A		
A		

DESIGNED BY:	RAH/HLM
DRAWN BY:	HLM
REVIEWED BY:	RAH

245 TOWNPARK DRIVE, SUITE 470
KENNESAW, GEORGIA 30144
WWW.BCEINC.COM
DIRECT: 470-705-0885
© 2021

TRATON HOMES, L.L.C.

720 KENNESAW AVENUE
MARIETTA, GA 30060

OLD BELLS FERRY ROAD

LAND LOT 581
16TH DISTRICT
COBB COUNTY, GA
ZONED R-20

ZONING PLAN

GSWCC CERT. #85093
EXP. 08.28.21
NOT ISSUED FOR CONSTRUCTION
FILE NUMBER:
9114-00
DATE: 09.16.2021

01

SITE DENSITY CALCULATIONS
10.19 ACRES X 17 UNITS PER ACRE = 173.23 UNITS REQUIRED (SDF)
EDF = 3.54 AC X 350.18 U/A = 1239.63 UNITS (SEE EDF CALCULATIONS) 50% OF EDF MUST BE OUTSIDE OF STREAM AND ZONING BUFFERS: TREE SAVE OUTSIDE OF BUFFER AREAS = .60 AC. TREE SAVE INSIDE OF BUFFER AREAS = 2.85 AC. EDF = (.60 ACRES + (.50 X 2.85 ACRES)) X 350.18 U/A = 709.11 UNITS REPLACEMENT DENSITY FACTOR = 709.11 UNITS (EDF) - 173.23 (SDF) = 535.88 SURPLUS DENSITY UNITS

EDF CALCULATIONS:

SAMPLE AREA 1
AVG. UNITS PER SAMPLE AREA = 21.8 (SEE EDF TABLE)
SAMPLE AREA = 2,500 SF. (0.0574 AC.)
AVG. UNITS PER ACRE = 21.8/0.0574 = 379.79 U/A
SAMPLE AREA 2
AVG. UNITS PER SAMPLE AREA = 18.4 (SEE EDF TABLE)
SAMPLE AREA = 2,500 SF. (0.0574 AC.)
AVG. UNITS PER ACRE = 18.4/0.0574 = 320.56 U/A
TOTAL TREE SAVE AREA = 3.54 AC.
AVG. UNITS PER ACRE FOR SAMPLE AREAS 1 & 2 = 350.18
EDF = 3.54 AC X 350.18 U/A = 1239.63 UNITS

Area 1			
DBH	TOTAL # TREES	X UNITS	TOTAL UNITS
5-8"	18	0.3	5.4
9-12"	9	0.6	5.4
13-16"	6	1.2	7.2
17-20"	2	1.9	3.8
21-24"	0	2.8	0
25-28"	0	3.8	0
29-32"	0	5.1	0
33-36"	0	6.5	0
37-40"	0	8.1	0
TOTAL:			21.8

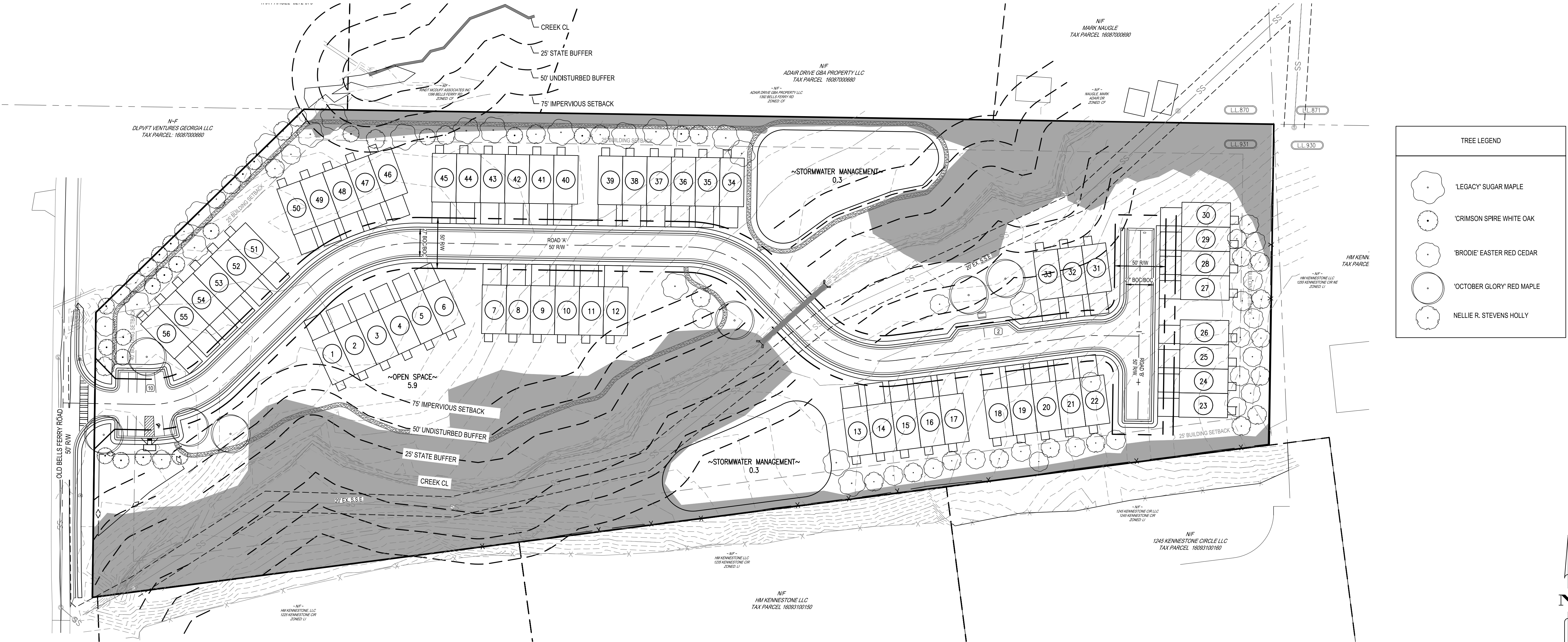
Area 2			
DBH	TOTAL # TREES	X UNITS	TOTAL UNITS
5-8"	12	0.3	3.6
9-12"	8	0.6	4.8
13-16"	2	1.2	2.4
17-20"	4	1.9	7.6
21-24"	0	2.8	0
25-28"	0	3.8	0
29-32"	0	5.1	0
33-36"	0	6.5	0
37-40"	0	8.1	0
TOTAL:			18.4

DENSITY CALCULATIONS
TOTAL SITE AREA = 10.19 AC.
SITE DENSITY FACTOR = 17 UNITS/AC. (10.19 AC. X 17 UNITS/AC.) = 173.23 UNITS REQUIRED
TOTAL UNITS OF SPECIMEN TREES TO BE RECOMPENSED = 54 UNIT
EDF = 827.25 UNITS
REPLACEMENT DENSITY FACTOR (RDF) = 18 UNITS
SDF 173.23 (SDF) < 827.25 (EDF) + 18 (RDF) REQUIREMENTS SATISFIED

PARKING LOT TREE CALCULATIONS
TOTAL S.F. OF PROPOSED PARKING AREA = 9,950 S.F. 1 TREE PER 1,140 S.F. OF PARKING REQUIRED 9,950 / 1,140 = 8.73 = 9 TREES REQUIRED

STREET TREE CALCULATIONS
OLD BELLS FERRY RD FRONTAGE = 282 L.F. 282 L.F. / 35' = 8 TREES @ 3" CAL. REQUIRED
EXISTING TREE SCREEN TO REMAIN

PLANTING SCHEDULE & DENSITY CALCULATIONS FOR TREES					
COMMON NAME	BOTANICAL NAME	MIN. SIZE	QTY	UNITS PER TREE	UNITS % UNITS
RECOMPENSE TREES					
LEGACY SUGAR MAPLE	ACER SACCHARUM 'LEGACY'	4-4 1/2" CAL.	20	0.7	14 25%
			20		14
STREET TREES					
CRIMSON SPIRE WHITE OAK	QUERCUS ROBUR X ALBA 'CRIMSCHMIDT' PP9103	3-3 1/2" CAL.	23	0.6	13.8 25%
			23		13.8
EVERGREEN BUFFER TREES					
BRODIE EASTERN RED CEDAR	JUNIPERUS VIRGNIANA 'BRODIE'	6' HT.	26	0.4	10.4 19%
NELLIE R. STEVEN HOLLY	ILEX X 'NELLIE R. STEVENS'	6' HT.	31	0.4	12.4 23%
			57		22.8
PARKING TREES					
OCT. GLORY RED MAPLE	ACER RUBRUM 'OCT. GLORY'	2-2 1/2"	9	0.5	4.5 8%
			9		4.5
			Total RDF =		55.1 100%



TREE LEGEND	
	'LEGACY' SUGAR MAPLE
	'CRIMSON SPIRE WHITE OAK
	'BRODIE' EASTERN RED CEDAR
	'OCTOBER GLORY' RED MAPLE
	NELLIE R. STEVENS HOLLY



Know what's below.
Call before you dig.




N



0 25' 50' 100'
SCALE: 1" = 50'



BENCHMARK: SANITARY SEWER RIM
ELEVATION = 1095.84'
SANITARY SEWER RIM
LOCATED ON OLD BELLS FERRY ROAD
NEAR NORTHWEST PROPERTY CORNER



245 TOWNPARK DRIVE, SUITE 470
KENNESAW, GEORGIA 30144
WWW.BCEINC.COM
DIRECT: 470-705-0885
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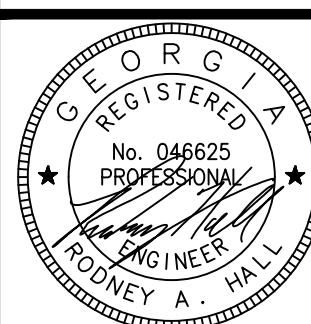
TRATON HOMES, L.L.C.

720 KENNESAW AVENUE
MARIETTA, GA 30060

OLD BELLS FERRY ROAD

LAND LOT 581
16TH DISTRICT
COBB COUNTY, GA
ZONED R-20

TREE PLANTING PLAN



GSWCC CERT. #85093
EXP. 08.29.24
NOT ISSUED FOR CONSTRUCTION
FILE NUMBER:
9114-00
DATE: 09.16.2021

05

TREE PROTECTION NOTES:

1. ALL TREES SHOWN ON THIS PLAN TO BE RETAINED SHALL BE PROTECTED DURING ALL PHASES OF DEMOLITION/CONSTRUCTION WITH TEMPORARY FENCING. IT SHALL BE THE GENERAL CONTRACTORS RESPONSIBILITY TO COORDINATE WITH LANDSCAPE CONTRACTOR.
2. ALL TREE PROTECTION MEASURES SHALL BE INSTALLED AND INSPECTED PRIOR TO THE START OF ANY LAND DISTURBANCE AND MAINTAINED UNTIL FINAL LANDSCAPING IS INSTALLED.
3. FENCES SHALL COMPLETELY SURROUND TREE OR CLUSTERS OF TREES; SHALL BE LOCATED A MINIMUM OF 3' FROM THE OUTERMOST LIMITS OF THE TREE BRANCHES (DRIP LINE); AND SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION BY THE CONTRACTOR, IN ORDER TO PREVENT THE FOLLOWING:
 - A. SOIL COMPACTION IN THE ROOT ZONE AREA RESULTING FROM VEHICULAR TRAFFIC OR STORAGE OF EQUIPMENT OR MATERIALS.,
 - B. ROOT ZONE DISTURBANCES DUE TO GRADE CHANGES (GREATER THAN 6 INCHES CUT OR FILL) OR TRENCHING.,
 - C. WOUNDS TO EXPOSED ROOTS, TRUNK OR LIMBS BY MECHANICAL EQUIPMENT.,
 - D. OTHER ACTIVITIES DETRIMENTAL TO TREES SUCH AS CHEMICAL STORAGE, CEMENT TRUCK CLEANING, AND FIRES.,
 - E. NO PARKING, STORAGE, OR ANY OTHER CONSTRUCTION ACTIVITIES ARE TO OCCUR WITHIN TREE PROTECTION AREAS.
4. EXCEPTIONS TO INSTALLING FENCES 3' FROM TREE DRIP LINES MAY BE PERMITTED IN THE FOLLOWING CASES:
 - A. WHERE PERMEABLE PAVING IS TO BE INSTALLED, ERECT THE FENCE AT THE OUTER LIMITS OF THE PERMEABLE PAVING AREA.
 - B. WHERE TREES ARE CLOSE TO THE PROPOSED BUILDING, ERECT THE FENCE NO CLOSER THAN 6 FEET TO THE BUILDING.
5. WHERE ANY OF THE ABOVE EXCEPTIONS RESULT IN A FENCE BEING CLOSER THAN 3 FEET TO A TREE TRUNK, PROTECT THE TRUNK WITH STRAPPED-ON PLANKING TO A HEIGHT OF 8 FEET (OR TO THE LIMITS OF LOWER BRANCHES) IN ADDITION TO THE REDUCED FENCING PROVIDED.
6. WHERE ANY OF THE ABOVE EXCEPTIONS RESULT IN AREAS OF UNPROTECTED ROOT ZONES (UNDER DRIP LINES), THOSE AREAS SHOULD BE COVERED WITH 4 INCHES OF ORGANIC MULCH TO MINIMIZE SOIL COMPACTION.
7. ALL GRADING WITHIN PROTECTED ROOT ZONE AREAS SHALL BE DONE BY HAND OR WITH SMALL EQUIPMENT TO MINIMIZE ROOT DAMAGE. PRIOR TO GRADING, RELOCATE PROTECTIVE FENCING TO 2 FEET BEHIND THE GRADE CHANGE AREA. NO ROOT OVER 1 INCH DIAMETER WILL BE CUT.
8. ANY ROOTS EXPOSED BY CONSTRUCTION ACTIVITY SHALL BE PRUNED WITH A CLEAN CUT FLUSH WITH THE SOIL. BACKFILL ROOT AREAS WITH GOOD QUALITY TOP SOIL IMMEDIATELY, IF EXPOSED ROOT AREAS ARE NOT BACKFILLED WITHIN 2 DAYS, COVER THEM WITH ORGANIC MATERIAL IN A MANNER WHICH REDUCES SOIL TEMPERATURE AND MINIMIZES WATER LOSS DUE TO EVAPORATION.
9. PRIOR TO EXCAVATION OR GRADE CUTTING WITHIN TREE DRIP LINES, MAKE A CLEAN CUT BETWEEN THE DISTURBED AND UNDISTURBED ROOT ZONES WITH A ROCK SAW OR SIMILAR EQUIPMENT TO MINIMIZE DAMAGE TO REMAINING ROOTS.
10. TREES MOST HEAVILY IMPACTED BY CONSTRUCTION ACTIVITIES SHOULD BE WATERED DEEPLY ONCE A WEEK DURING PERIODS OF HOT, DRY WEATHER. TREE CROWNS SHOULD BE SPRAYED WITH WATER PERIODICALLY TO REDUCE DUST ACCUMULATION ON THE LEAVES.
11. NO CONDUIT OR UTILITIES CAN BE INSTALLED WITHIN TREE PROTECTION AREAS. ANY TRENCHING REQUIRED FOR THE INSTALLATION OF LANDSCAPE IRRIGATION SHALL BE PLACED AS FAR FROM EXISTING TREE TRUNKS AS POSSIBLE.
12. NO LANDSCAPE TOPSOIL DRESSING GREATER THAN 4 INCHES SHALL BE PERMITTED WITHIN THE DRIP LINE OF TREES. NO SOIL IS PERMITTED ON THE ROOT FLARE OF ANY TREE. GRADING LIMITED TO 3 INCH CUT.
13. PRUNING TO PROVIDE CLEARANCE FOR STRUCTURES, VEHICULAR TRAFFIC AND EQUIPMENT SHALL TAKE PLACE BEFORE CONSTRUCTION BEGINS.
14. ALL PRUNING MUST BE DONE ACCORDING TO RECOGNIZED, APPROVED STANDARDS OF THE INDUSTRY (REFERENCE THE NATIONAL ARBORIST ASSOCIATION PRUNING STANDARDS FOR SHADE TREES) BY A CERTIFIED ARBORIST AND SHALL BE APPROVED AND SUPERVISED BY OWNERS REPRESENTATIVE OR PROJECT URBAN FORESTER.
15. DAMAGE TO TREES OR ANY NATURAL RESOURCE DUE TO CONTRACTOR'S NEGLIGENCE DURING THE CONSTRUCTION PHASE SHALL BE APPRAISED BY THE OWNERS REPRESENTATIVE AND ORDERED REPAIRED, REPLACED, OR COMPENSATED.
16. ALL TREE PROTECTION ZONES SHALL BE DESIGNATED AS SUCH WITH SIGNS POSTED VISIBLY ON ALL

NOTES:

- 1) ALL TREE PROTECTION MEASURES MUST BE INSTALLED PRIOR TO CLEARING.
 - 2) CONTACT THE COUNTY ARBORIST FOR A SITE INSPECTION UPON COMPLETION OF LANDSCAPE INSTALLATION PRIOR TO CERTIFICATE OF OCCUPANCY OR ISSUANCE OF FINAL PLAT.
 - 3) UNDISTURBED BUFFERS SHALL BE PLANTED TO BUFFER STANDARDS WHERE SPARSELY VEGETATED IN ACCORDANCE WITH ARTICLE 10 OF COBB COUNTY ZONING ORDINANCE. ALL REPLANTING MUST BE PRE-APPROVED BY BOTH THE COUNTY ARBORIST AND THE PLANNING AND ZONING DEPARTMENT. (SECTION 10.6.3).
 - 4) ARBORTIE OR SIMILAR NYLON TREE STRAPPING / GUYING MATERIAL SHALL NOT BE USED IN A WAY THAT WILL GIRDLE TREE TRUNKS IF LEFT IN PLACE. REFER TO COBB COUNTY PLANTING DETAILS THIS SHEET.
 - 5) ALL IRRIGATION METERS MUST HAVE RAIN SENSORS PER STATE OF GEORGIA LAW.
- TREES MUST BE PLANTED BETWEEN OCTOBER AND APRIL WHEN WEATHER IS FAVORABLE FOR PLANTING. IN THE EVENT TREES MUST BE PLANTED DURING THE MONTHS OF MAY TO SEPTEMBER SUPPLEMENTAL WATERING WILL BE REQUIRED BY MEANS OF AUTOMATIC IRRIGATION SYSTEM OR HAND METHODS INCLUDING HOSE BIBS AND/OR GATOR BAGS. HAND WATERING METHODS SHALL FOLLOW A REGULAR, WEEKLY MONITORING SCHEDULE AND BE COMPLETED OR FILLED TO MAINTAIN WATER APPLICATION FOR CONTINUED HEALTH OF THE TREES.

ALL IRRIGATION METERS MUST HAVE A RAIN SENSOR PER STATE LAW

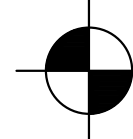
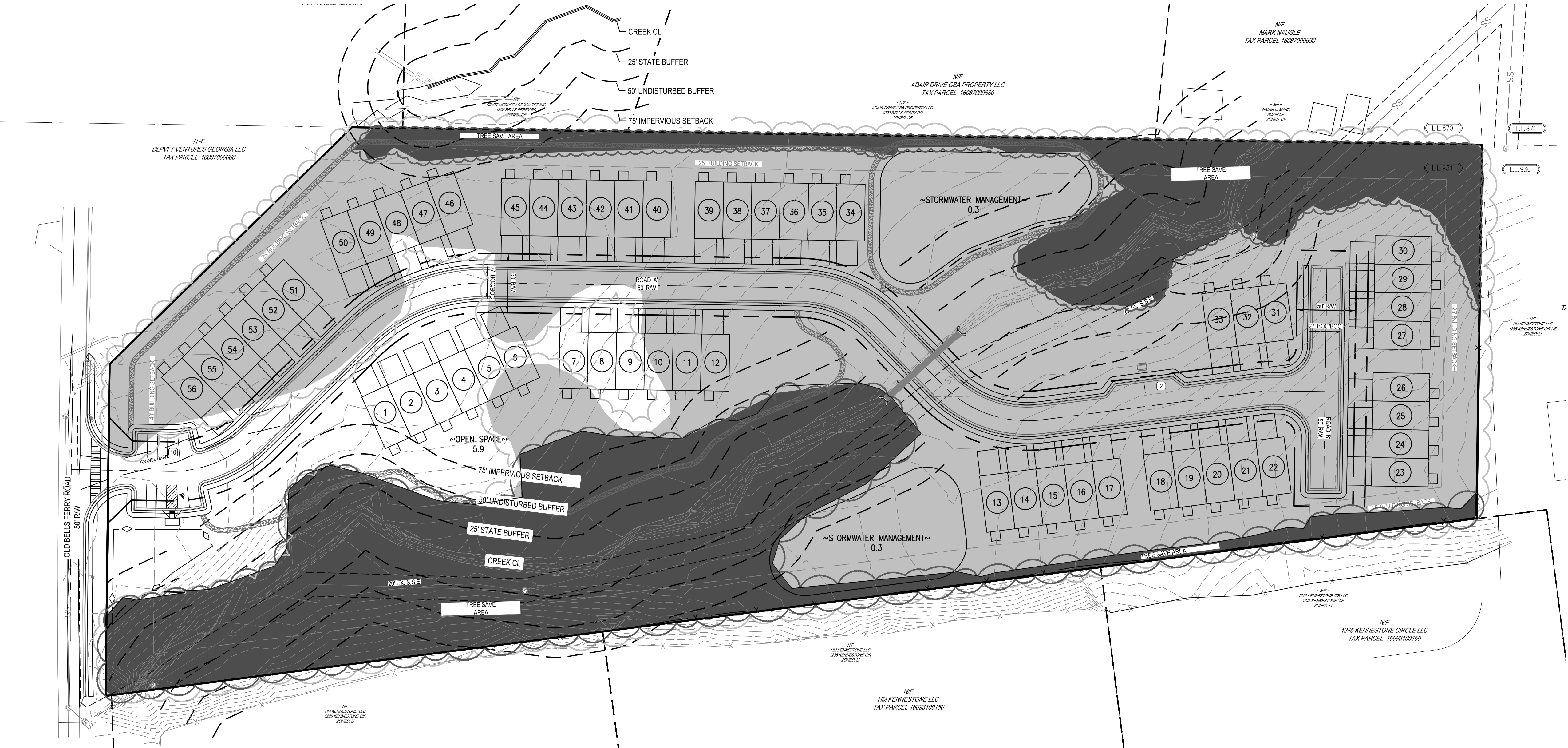
SITE IS A MIXED OF PINE & HARDWOOD TREE CLUSTERS. EXISTING TREES ON PARKWAY.

SEE HATCHING FOR TREE SAVE AREAS
CONTIGUOUS AREA = 3.54 AC

ALL TREES PLANTED ARE SHOWN
AT A MINIMUM SPACING OF 20' O.C.

TREE SAVE AREA

EXISTING TREE AREA



BENCHMARK: SANITARY SEWER RIM
ELEVATION = 1095.84'
SANITARY SEWER RIM
LOCATED ON OLD BELLS FERRY ROAD
NEAR NORTHWEST PROPERTY CORNER

0 25' 50' 100'
SCALE: 1" = 50'

GENERAL SITE NOTES:

1. MINIMUM TRACT SIZE = 5.0 ACRES
2. TOTAL TRACT AREA = 10.19 ACRES
3. TOTAL NUMBER OF PROPOSED UNITS = 56 UNITS
4. ZONING = MxD
5. BUILDING SETBACKS (MEASURED FROM EXTERIOR PROPERTY LINE):
 - FRONT = 40';
 - REAR = 25';
 - SIDE (MAJOR) = 25';
 - SIDE (MINOR) = 0'
6. PROPOSED DENSITY = 5.5 UNITS/ACRE
7. MAXIMUM BUILDING HEIGHT = 35' (TWO STORIES)
8. MINIMUM DISTANCE BETWEEN BUILDINGS = 10'
9. 4' SIDEWALKS WITH 2' BEAUTY STRIP TO BE PROVIDED ON BOTH SIDES OF THE ROAD
10. DRIVEWAYS TO MEASURE 20' FROM EITHER BACK OF SIDEWALK OR BACK OF CURB TO ACCOMMODATE TWO ADDITIONAL CARS.
11. REQUIRED PARKING PER ZONING = 0.2 SPACES PER DWELLING UNIT
0.2 SPACE * 56 UNITS = 11.2 SPACES
12. PROVIDED PARKING SPACES = 12 PARKING SPACES INCLUDING ONE (1) ADA ACCESSIBLE SPACE.
13. OPEN SPACE PROVIDED = 5.90 ACRES (~58%)
14. COMMON SPACE PROVIDED = 1.12 ACRES
15. NOTIFY COUNTY INSPECTOR 24 HOURS PRIOR TO ANY WORK ON SITE.
16. ACTIVE RECREATION FEATURE TO BE PROVIDED IN COMMON OPEN SPACE UTILIZING NATURAL FEATURES ON SITE, SUCH AS NATURE TRAILS AND SCENIC CREEK LOCATIONS
17. PASSIVE RECREATION FEATURES PROVIDED IN COMMON OPEN SPACE WITH COMMUNITY FIRE PIT AND OVERLOOK PICNIC AREA.
18. ACTIVE RECREATION FEATURE TO SPAN ACROSS SITE TO SERVICE 75% OF THE TOWNHOMES WITHIN 300 FEET. NO MASS CLEARING TO PRESERVE NATURAL CHARACTERISTICS. AREA TO HAVE A MINIMUM OF 25% ADA ACCESSIBLE.
19. PASSIVE AND ACTIVE RECREATION FEATURE AREAS TO MEET REQUIRED RECREATION SPACE PER ZONING. LOCATIONS ARE SUBJECT TO CHANGE DURING ENGINEERING DESIGN.

TREE PROTECTION/PLANTING NOTES:

NO LAND DISTURBANCE PERMIT WILL BE ISSUED WITHOUT THE SUBMITTAL OF A NOTICE OF INTENT (NOI).

ANY CLEARING OF THIS PROPERTY THAT RESULTS IN THE SALE OF TIMBER SHALL CONFORM TO STATE LAW REGARDING PAYMENT OF TAXES ON SUCH TIMBER.
A GEORGIA DEPARTMENT OF REVENUE FORM PT-283T

TREE PROTECTION DEVICES MUST BE INSTALLED AND INSPECTED PRIOR TO ANY CLEARING, GRUBBING OR GRADING. FOR PROJECTS OVER TWO (2) ACRES, A PROFESSIONAL DESIGNER MUST VERIFY THAT THE TREE PROTECTION FENCES WERE INSTALLED AS SHOWN ON THE APPROVED PLANS OR IN LOCATIONS THAT PROVIDE BETTER TREE PRESERVATION POTENTIAL. SUBMIT THIS VERIFICATION PRIOR TO THE APPROVAL OF THE FINAL PLAT FOR RESIDENTIAL SUBDIVISIONS OR PRIOR TO THE ISSUANCE OF THE BUILDING PERMIT FOR COMMERCIAL PROJECTS.

TREE PROTECTION AND REPLACEMENT SHALL BE ENFORCED ACCORDING TO COBB COUNTY STANDARDS. ANY FIELD ADJUSTMENTS TO TREE PROTECTION DEVICE TYPES OR LOCATIONS OR SUBSTITUTIONS OF PLANT MATERIALS ON THE APPROVED PLANS ARE SUBJECT TO THE REVIEW AND APPROVAL OF ARBORIST.

THE SITE CONTRACTOR SHALL COORDINATE SERVICE ROUTING OF ALL GAS, TELEPHONE, AND ELECTRICAL LINES WITH THE APPROPRIATE UTILITY COMPANY. ALL CONSTRUCTION MUST COMPLY WITH EACH UTILITY'S STANDARDS AND SPECIFICATIONS AND NOT INTERFERE WITH TREE PLANTING SITES OR EXISTING TREES TO BE PRESERVED.

BUFFERS MUST BE PLANTED TO COBB COUNTY STANDARDS WHERE SPARSELY VEGETATED OR WHERE DISTURBED FOR APPROVED UTILITY OR ACCESS.

THE DENSITY REQUIREMENTS SHOWN ON THE TREE PRESERVATION AND/OR REPLACEMENT PLANS MUST BE VERIFIED PRIOR TO THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY OR ACCEPTANCE OF THE FINAL PLAT. A PERFORMANCE BOND, LETTER OF CREDIT OR ESBROW ACCOUNT WILL BE ACCEPTED IF PLANT MATERIALS MUST BE INSTALLED AT A LATER DATE.

ALL IRRIGATION METERS MUST HAVE RAIN SENSOR PER LAW.

TREE PROTECTION FENCES FOR SUBDIVISIONS SHALL BE INSTALLED BY THE DEVELOPER AT THE SAME TIME AS EROSION CONTROL DEVICES. THE DEVELOPER IS RESPONSIBLE FOR MAINTENANCE OF TREE PROTECTION FENCES UNTIL BUILDING COMMENCES ON A LOT. AT THAT TIME, THE BUILDING CONTRACTOR IS RESPONSIBLE FOR MAINTENANCE OF THE FENCE ON THE LOT.

THE DEVELOPER MUST INSTALL ANY TREES SHOWN ON THESE PLANS TO BE PLANTED IN COMMON AREAS OF THE SUBDIVISION. THIS PLANTING MUST BE DONE OR FISCAL SURETY MUST BE POSTED BEFORE THE FINAL PLAT CAN BE APPROVED.

THE INSTALLATION OF EROSION CONTROL DEVICES CAUSES HARM TO TREES. ON INDIVIDUAL LOTS, USE SILT FENCE ONLY AS NEEDED AND LOCATE IT AS FAR FROM TREE PROTECTION ZONES AS POSSIBLE.

WHEN DIGGING NEAR TREES, THE CONTRACTOR SHALL PRUNE ALL EXPOSED ROOTS ONE (1) INCH IN DIAMETER AND LARGER ON THE SIDE OF THE TRENCH ADJACENT TO THE TREES. PRUNING SHALL CONSIST OF MAKING A CLEAN CUT FLUSH WITH THE SIDE OF THE TRENCH TO PROMOTE NEW ROOT GROWTH.

PRUNING OF TREE LIMBS TO PROVIDE CLEARANCE FOR EQUIPMENT AND MATERIALS SHALL BE DONE ACCORDING TO STANDARD ARBOR CULTURAL PRACTICE (SEE ANSI A300-1995).

PROTECT THE TRUNKS OF ANY TREES BEING PRESERVED WITHIN THE TEMPORARY OR PERMANENT UTILITY EASEMENTS WITH STRAPPED-ON PLANKING OR SIMILAR PROTECTIVE DEVICE.

ALL EXISTING STRUCTURES ARE TO BE REMOVED.

PROVIDE 20' MINIMUM SPACING BETWEEN THE TRUNKS OF ALL DECIDUOUS SHADE TREES. PROVIDE GREATER SPACING WHERE POSSIBLE.

PROVIDE 20' MINIMUM SPACING BETWEEN THE TRUNKS OF ALL DECIDUOUS SHADE TREES AND ANY EXISTING OR PROPOSED LIGHT POLES. PROVIDE GREATER SPACING WHERE POSSIBLE.

PROVIDE 15' MINIMUM SPACING BETWEEN THE TRUNKS OF ALL DECIDUOUS SHADE TREES AND ANY EXISTING OR PROPOSED BUILDING. PROVIDE GREATER SPACING WHERE POSSIBLE.

DO NOT INSTALL OVER-STORY TREES IN LOCATION WHERE FUTURE CONFLICTS WITH EXISTING OVERHEAD UTILITY LINES WILL BE INEVITABLE. CONTACT THE COBB COUNTY ARBORIST OR LANDSCAPE ARCHITECT IF ANY POTENTIAL CONFLICTS ARE IDENTIFIED DURING THE INSTALLATION PROCESS.

CONTACT THE COUNTY ARBORIST FOR A SITE INSPECTION UPON COMPLETION OF LANDSCAPE INSTALLATION PRIOR TO ISSUANCE OF A FINAL PLAT.

ARBORTIE OR SIMILAR NYLON TREE STRAPPING/GUYING MATERIAL SHALL NOT BE USED IN A WAY THAT WILL GIRDLE TREE TRUNKS IF LEFT IN PLACE. REFER TO COBB COUNTY PLANTING DETAILS.

NO TREES OR SHRUBS WILL BE INSTALLED IN THE RIGHT OF WAY ON PUBLIC ROADS OR IN THE ACCESS AND UTILITY EASEMENTS FOR PRIVATE STREETS.

DESIGNED BY:	RAH/HLM
DRAWN BY:	HLM
REVIEWED BY:	RAH
BCE 245 TOWNPARK DRIVE, SUITE 470 KENNESAW, GEORGIA 30144 WWW.BCEINC.COM DIRECT: 470-705-0885 © 2021	
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OLD BELLS FERRY ROAD LAND LOT 501 16TH DISTRICT COBB COUNTY, GA ZONED R-20	
TREE SAVE PLAN	
GEORGIA REGISTERED PROFESSIONAL ENGINEER No. 046625 RODNEY A. TAYLOR GSWCC CERT. #85093 EXP. 08.29.24 NOT ISSUED FOR CONSTRUCTION FILE NUMBER: 9114-00 DATE: 09.16.2021 04	